

John B. Downman's

Virginia (Colony) Laws, statutes, etc

T H E
A C T S
Robert O F *Gilmour*
A S S E M B L Y,
NOW in FORCE, 1771
I N T H E
Colony of VIRGINIA.
W I T H
An exact TABLE to the Whole.

Published by ORDER of the GENERAL ASSEMBLY.



WILLIAMSBURG.

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Law
Office

Va.

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1769

ANNO REGNI
CAROLI II.

REGIS *Angliae, Scotiae, Franciae, et
Hiberniae*, decimo tertio.

At a GRAND ASSEMBLY summoned to be held
at *James City* the 23d Day of *March*, in the
12th Year of the Reign of our Sovereign Lord
CHARLES II. by the Grace of GOD of
England, Scotland, France, and Ireland, King,
Defender of the Faith, &c and in the Year of our
Lord 1660, and from thence continued by Proro-
gation to the 23d Day of *March* 1661.

Sir WILLIAM
BERKLEY,
Governour.

P R E A M B L E.

W H E R E A S the late unhappy Distractions caused frequent Changes
in the Government of this Country, and those produced so many
Alterations in the Laws that the People knew not well what to obey,
nor the Judges what to punish, by which Means Injustice was hardly to be avoided,
and the just Freedom of the People, by the Uncertainty and Licentiousness of the
Laws, hardly to be preserved, this Assembly, taking the same into their serious
Consideration, and gravely weighing the Obligations they are under to discharge
to God, the King, and the Country, have, by settling the Laws, diligently en-
deavoured to prevent the like Inconveniences, by causing the whole Body of the
Laws to be reviewed, all unnecessary Acts, and chiefly such as might keep in
Memory our forced Deviation from his Majesty's Obedience, to be repealed and
expunged, and those that are in Force to be brought into one Volume. And lest
any Prejudice might arise by the Ignorance of the Times from whence those Acts
were in Force, they have added the Date of every Act, to the End that Courts
might rightly administer Justice, and give Sentence according to Law, for any
Thing happening at any Time since any Law was in Force; and have also endea-
voured, in all Things, as near as the Capacity and Constitution of this Country
would admit, to adhere to those excellent and often refined Laws of *England*, to
which we profess and acknowledge all Reverence and Obedience; and that the

Reciting the
Changes of
Government
during the
Usurpation.

A. D. 1661. Laws made by us are intended by us but as brief Memorials of that which the Capacity of our Courts is utterly unable to collect out of its vast Volumes, though sometimes perhaps, for the Difference of our and ~~their Condition~~, varying in small Things, but far from the Presumption of contradicting any Thing therein contained. And because it is impossible to honour the King as we should unless we serve and fear God as we ought, and that they might show their equal Care, they have set down certain Rules to be observed in the Government of the Church, until God shall please to turn his Majesty's pious Thoughts towards us, and provide a better Supply of Ministers among us.

All Laws continued or made by this Assembly shall be hereafter reputed the Laws of this Colony. All others repealed.

BE it therefore enacted, by the Governour, Council, and Burgesſes, of this Grand Assembly, that all the following Laws, continued or made by this Assembly, shall be hereafter reputed the Laws of this Country, by which all Courts of Judicature are to proceed in giving of Sentence, and to which all Persons are strictly required to yield all due Obedience; and that all other Acts, not in this Collection mentioned, be, to all Intents and Purposes, utterly abrogated and repealed, unless Suit be commenced for any Thing done in the Time when a Law now repealed was in Force, in which Case the producing that Law shall excuse any Person for doing any Thing according to the Tenour thereof.

CHAP I.

Church to be built, or Chapel of Ease.

A Church to be erected in every Parish.

Or a Chapel.

BE it enacted, for the Advancement of God's Glory, and the more decent Celebration of his divine Ordinances, that there be a Church decently built in each Parish of the Country, unless any Parish, as now settled, by Reason of the Fewness or Poverty of the Inhabitants, be incapable of sustaining so great a Charge; in which Case *it is enacted* that such Parishes shall be joined to the next great Parish of the County, and that a Chapel of Ease be built in such Place, at the particular Charge of that Place*.

CHAP II.

Vestries appointed.

I. **T**HAT for the making and proportioning the Levies and Assessments, for building and repairing the Churches and Chapels, Provision for the Poor, Maintenance of the Minister, and such other necessary Uses, and for the more orderly managing all parochial Affairs,

(10) See 9. Geo. 1. (1721) Cap. 4. of the Edit. 1733. Sect. 23. declaring that no free Negro, Mulatto, or Indian whatsoever, shall have any Vote at the Election of Burgesſes, or any other Election whatsoever.
N. B. That while Act was repealed, except this Clause.

II. *Be it enacted* that twelve of the most able Men of each Parish be, by the major Part (a) of the said Parish, chosen to be a Vestry, out of which Number the Minister and Vestry to make Choice of two Church-Wardens yearly; as also, in Case of the Death of any Vestryman, or his Departure out of the Parish, that the said Minister and Vestry make Choice of another to supply his Room.

III. *AND be it further enacted* that none shall be admitted to be of the Vestry that doth not take the Oaths of Allegiance and Supremacy to his Majesty, and subscribe to be conformable to the Doctrine and Discipline of the Church of England†.

* See 13. Car. 2. (1661) Cap. 10. Churches to be kept in Repair, &c.

† Joint Action against Vestrymen, 22. Geo. II. (1748) Cap. 4. Sect. 19.

Vestries to appoint Pocesſioners, 22. Geo. II. (1748) Cap. 1. Sect. 54.

Duty and Right of Vestries, 22. Geo. II. (1748) Cap. 28.

Oath altered, and a Right of Resignation allowed, 30. Geo. II. (1757) Cap. 5.

Dissenters deprived, and seven Members to make a Vestry, 32. Geo. II. (1759) Cap. 7. Sect. 3. &c.

A. D. 1661.

C H A P. III.

Ministers to be inducted. 1642.

THAT for the Preservation of Purity and Unity of Doctrine, and Discipline, in the Church, and the right Administration of the Sacraments, no Minister be admitted to officiate in this Country but such as shall produce to the Governour a Testimonial that he hath received his Ordination from some Bishop in *England*, and shall then subscribe to be conformable to the Orders and Constitutions of the Church of *England*, and the Laws there established, upon which the Governour is hereby requested to induct the said Minister into any Parish that shall make Presentation of him; and if any other Person, pretending himself a Minister, shall, contrary to this Act, presume to teach or preach, publicly or privately, the Governour and Council are hereby desired and empowered to suspend and silence the Person so offending, and upon his obstinate Persistence to compel him to depart the Country with the first Convenience, as it hath been formerly provided, by the 77th Act, made at *James City* the 2d of *March* 1642.

Minister, how to be qualified. See Cap. 4, 5, 6, and 7, immediately following.

To be inducted by the Governour. Any other Person presuming to teach or preach shall be suspended, and compelled to depart the Country.

C H A P. IV.

Ministers to provide Readers. 1661.

THAT every Parish, not having a Minister to officiate every *Sunday*, do make Choice of a grave and sober Person, of good Life and Conversation, to read divine Service every intervening *Sunday* at the Parish Church, when the Minister preacheth at any other Place.

Readers to be chosen by the Parish.

C H A P. V.

Liturgy to be read.

THAT the Canons set down in the Liturgy of the Church of *England* for celebrating divine Service, and Administration of the Sacraments, be duly observed and kept; and that the whole Liturgy, according to the said Injunctions, be by the Minister, or Reader, at Church and Chapel, every *Sunday*, thoroughly read.

Canons of the Church of *England* to be observed, and the Liturgy read every *Sunday*.

C H A P. VI.

Church Catechism.

THAT neither Minister nor Reader teach any other *Catechism* than that by the Canons appointed, and inserted in the Book of *Common Prayer*; and that the Minister expound no other than that, that our Fundamentals at least may be well laid; and that no Reader, upon Presumption of his own Abilities, do attempt the expounding that or any other *Catechism*, or the Scriptures.

No other than that of the Church to be taught or expounded. No Reader to expound any Catechism, or Scripture.

A. D. 1661.

C H A P. VII.

Ministers to preach weekly.

Ministers to
preach every
Sunday, and
administer the
Sacrament
twice a Year.

THAT the Minister of every Parish preach constantly every *Sunday*, viz. one *Sunday* in a Month at each Chapel of Ease in his Parish, if there be any, and the other in his Parish Church; and that twice in a Year, at least, he administer the Sacrament of the Lord's Supper there*.

C H A P. VIII.

The Thirtieth of January to be kept a Fast.

Preamble.

WHEREAS our late Surrender and Submission to that execrable Power that so bloodily massacred the late King *Charles I.* of ever blessed Memory, hath made us, by acknowledging them, guilty of their Crimes, to shew our serious and hearty Repentance, and Detestation of that barbarous Act,

January 30th,
an annual Fast.

BE it enacted that the 30th of *January*, the Day the said King was beheaded, be annually solemnized with Fasting and Prayers, that our Sorrows may expiate our Crime, and our Tears wash away our Guilt.

C H A P. IX.

The Twenty Ninth of May to be kept holy.

Preamble.

SINCE God of his Mercy hath been pleased to restore our late distracted Kingdoms to Peace and Unity, and his late distressed Majesty to the Throne of his Royal Ancestors,

May 29th, an
annual holy
Day.

Be it enacted that, in Testimony of our Thankfulness and Joy, the 29th of *May*, the Day of his Majesty's Birth and happy Restoration, be annually celebrated as a holy Day.

C H A P. X.

Church-Wardens to keep the Church in Repair, and provide Ornaments.

Church-War-
dens their
Power and
Duty.
See 11 Car. II.
(1661) Cap. I.

(a) Otherwise
provided by 22
Geo. II (1748)
Cap. 28.

AND it is further enacted that the said Church-Wardens take Care, and be empowered during their Churchwardenships, to keep the Church in Repair, provide Books and decent Ornaments, viz. a great Bible, two Common Prayer Books, a Communion Cloth and Napkins, a Pulpit and Cushion, this present Year; and annually after something towards Communion Plate, Pulpit Cloth, and Bell, as the Ability of the Parish will permit. And (a) that they the said Church-Wardens do faithfully collect the Ministers Dues, cause them

* Ministers to read several Acts, 4 Ann. (1705) Cap. 6. Sect. 10. 9 Ann. (1710) Cap. 2. Sect. 3.

To register Births, &c. 12 Ann. (1713) Cap. 1.

Duty and Fees of Ministers on Marriage, 22 Geo. II. (1748) Cap. 26.

Salaries and Rights to Glebes, 22 Geo. II. (1748) Cap. 28.

Exempt from Levies, 22 Geo. II. (1748) Cap. 16. Sect. 2. and from serving in the Militia, 30 Geo. II. (1757) Cap. 1. Sect. 3.

Disabled to act as Clerks of Vestries, 32 Geo. II. (1759) Cap. 7. Sect. 7.

to be brought to convenient Places, and honestly pay them. And that of all their Disbursements and Receipts they give a true Account to the Vestry when by them required, who are empowered, by a former Branch of this Act, (a) to levy the same upon the Parish, and by this to give the Church-Wardens a sufficient Discharge*.

A. D. 1661.

(a) The Legislature supposed all the Acts relating to the Church and Religion to be one Act.

CHAP. XI.

Divulgers of false News.

I. **W**HEREAS many idle and busy headed People do forge and divulge false Rumours and Reports, to the great Disturbance of the Peace of his Majesty's liege People in this Colony, Preamble.

II. *Be it enacted* that what Person or Persons soever shall forge or divulge any such false Reports, tending to the Trouble of the Country, he shall be, by the next Justice of the Peace, sent for, and bound over to the next County Court; where, if he produce not his Author, he shall be fined 2000lb. of Tobacco (or less, if the Court think fit to lessen it) and besides give Bond for his Behaviour, if it appear to the Court that he did maliciously publish or invent it. Divulgers of false Reports to be fined, not exceeding 2000 lb. of Tobacco, and bound to good Behaviour.

CHAP. XII.

Privilege of Virginia Owners.

I. **W**HEREAS some Doubts have arisen about the Privilege of Virginia Owners, and their Exemption from the Payment of the Duties of two and ten Shillings (b) per Hogthead, (b) 17 Car. II. (1665) Cap. 7. repeals the Duty of 10s. per Hogthead.

II. *Be it enacted, and declared*, that the said Privilege is granted only to the Owners and Adventurers in such Vessels as solely and wholly belong to the Inhabitants of this Country, and not to such Persons as are only Partners of Vessels whose other Partners dwell in other Countries; and the Governour be Judge of such Proprieties, and certify the same to the Collectors†.

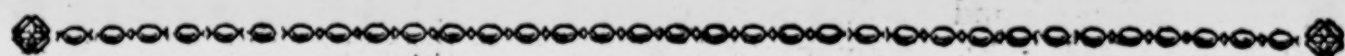
Passed in the Absence of Sir William Berkley, who was then in England, by

FRANCIS MORYSON, Esq; Deputy Governour.
ROBERT WYNNE, Speaker.

* Church-Wardens how to be chosen, 13 Car. II. (1661) Cap. 2.
To present for certain Offences, 3 and 4 Geo. II. (1730) Cap. 2. Sect. 2.
Their Duty as to processioning, 22 Geo. II. (1748) Cap. 1. Sect. 54. and receiving poor and binding poor Children, 22 Geo. II. (1748) Cap. 13. Sect. 6, 7.
To sell Slaves freed without License, 22 Geo. II. (1748) Cap. 31. Sect. 26.
Their Duty respecting Workhouses, 28 Geo. II. (1755) Cap. 1.

† Virginia Owners exempted from Castle Duties, 21 Car. II. (1669) Cap. 1.
Their Privileges confirmed, 9 Ann. (1710) Cap. 1.
Chargeable with Half Fees only to the Officers of the Customs, 21 Geo. II. (1748) Cap. 29. Sect. 8.

A. D. 1663.



At a GRAND ASSEMBLY held at *James City*, by
Prorogation, from *December 2d*, 1662, to *September*
10th, 1663, and in the 15th Year of the Reign
of our Sovereign Lord King CHARLES II.

C H A P. I.

An Act for keeping holy the Thirteenth of September.

Preamble.

I. **W**HEREAS it is evident that certain mutinous Villains had entered into
such a desperate Conspiracy as had brought an inevitable Ruin upon
the Country had not God in his infinite Mercy prevented it,

September 13th
annually to be
kept holy.

II. This grand Assembly, to testify their Thanks to Almighty God for so
miraculous a Preservation, *have enacted* that the 13th of *September*, the Day
when this villainous Plot should have been put in Execution, be annually kept
holy, to keep the same in a perpetual Commemoration.

C H A P. II.

An Act concerning the Entertainment of Strangers.

Preamble.

I. **W**HEREAS it is frequent with divers Inhabitants of this Country to enter-
tain Strangers into their Houses, without making any Agreement with
the Party what he shall pay for his Accommodation, which if the Party live
causeth many litigious Suits, and if the Stranger die lays a Gap open to many
avaritious Persons to ruin the Estate of the Party deceased: For Remedy whereof,
for the future,

No Recovery
for Diet, or
Storage, unless
by Agreement.

II. *BE it enacted* that no Person, not making a positive Agreement with
any One he shall entertain into his House for Diet, or Storage, shall recover any
Thing against any One so entertained, or against his Estate, but that every One
shall be reputed to entertain those of Courtesy with whom they make not a
certain Agreement.

*Enacted, that this Assembly be adjourned until the 20th of March 1664, unless the
Honourable the Governour see Occasion to call it sooner.*

Signed by Sir WILLIAM BERKLEY, Governour.
ROBERT WYNNE, Speaker.

A. D. 1669.

At a GRAND ASSEMBLY holden at *James City*, by Prorogation, from the 17th of *September* 1668 to the 20th of *October* 1669, and in the 21st Year of the Reign of our Sovereign Lord King CHARLES II.

C H A P. I.

An Act for freeing Virginia Owners from Castle Duties.

WHEREAS the Act for Encouragement of *Virginia* Owners exempts them from Payment of 2s. per Hoghead, *it is hereby enacted* that they be also exempted from paying the Castle Duties, for their greater Encouragement *.

Confirmed by
9 Ann. (1710)
Cap. 1.

At a GRAND ASSEMBLY begun at *Green Spring* the 20th Day of *February*, in the 29th Year of the Reign of our Sovereign Lord CHARLES II. by the Grace of God of *England, Scotland, France, and Ireland*, King, Defender of the Faith, &c. *Annoque Domini* 1676.

C H A P. I.

An Act declaring all the Acts, Orders, and Proceedings, of a Grand Assembly held at James City in the Month of June 1676 void, null, and repealed.

I. WHEREAS *Nathaniel Bacon* the younger, in the Month of *June* 1676, whilst the Governour, Council, and Burgeses, were met and convened together, at a Grand Assembly, to consult the great Concerns of the Country, did enter *James City*, in a rebellious Manner, with a considerable Number of armed Men, to the Number of 600 or thereabouts, environing and besieging the Governour, Council, and Burgeses, and offering Force and Violence to them, and every of them, threatening them with sudden Death if they would not grant his unreasonable, unlawful, rebellious, and treasonable Demands, and by his Threats, and offered Violence, did obtain to himself whatsoever he so unlawfully demanded; and whereas the King's Most Excellent Majesty, by his

Preamble.

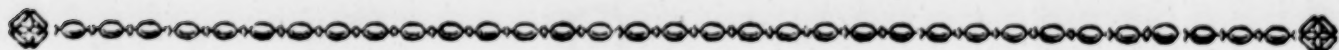
* See 13 Car. 2. (1661) Cap. 12.

A. D. 1676.

gracious Proclamation, and the Right Honourable the Governour, by his Proclamation published, hath long since declared all the Proceedings of the said Assembly to be void in Law:

Repealing
Clause.

II. *BE it therefore enacted, by this present Grand Assembly, and the Authority thereof, and it is hereby enacted, that all Acts, Orders, and Proceedings, of the said Grand Assembly, be repealed, and made null and void.*



At a GENERAL ASSEMBLY begun at *James City* the
8th Day of *June* 1680, in the 32d Year of the
Reign of our Sovereign Lord King CHARLES II.

C H A P. I.

(a) *An Act of free and general Pardon, Indemnity, and Oblivion.*

Preamble, re-
citing Bacon's
Rebellion,
Anno 1676.Proclamation
of Pardon,
Oct. 27th 1676.

I. **T**HE King's Most Excellent Majesty having taken into his serious and gracious Consideration the present State and Condition of his Colony of *Virginia*, and reflecting on the late Rebellion raised there by *Nathaniel Bacon*, Junior, deceased, his Complices and Abettors, and how many of his good Subjects were drawn into the same, and seduced from their Allegiance, by the specious Pretences set forth by the said *Nathaniel Bacon*, who have since, by their dutiful Behaviour, shewed themselves sensible thereof, and repenting for the same; and to the Intent that no Crime whatsoever committed against his said Majesty and Government may hereafter rise in Judgment, or be brought in Question, against any of them, to their least Endamagement, either in Lives, Liberties, or Estates, or to the Prejudice of their Reputations, by any Reproach or Term of Distinction, and to turn all Seeds of future Discord, and the Remembrance thereof, into utter Oblivion, as well in his Majesty's own Breast as in the Breasts of his Majesty's Subjects one towards another, and out of an earnest Desire to put an End to all Suits, Quarrels, and Controversies whatsoever, that by Occasion of the said Rebellion and late Distractions have arisen, and may arise, between any of his Majesty's Subjects; and in Pursuance of his gracious Proclamation of Pardon, bearing Date the 27th Day of *October*, 1676, and in the twenty eighth Year of his Reign, is graciously pleased that it may be enacted,

All Treasons
&c. before
16th January
1676 pardoned.

Exceptions.

II. *AND be it enacted, by the King's Most Excellent Majesty, by and with the Consent of the General Assembly, that all, and all Manner of Treasons, Misdemeanors, Murders, Felonies, Crimes, and Misdemeanors, committed, acted, counselled, or done, by any Person or Persons whatsoever, upon, or at any Time before the 16th Day of January, 1676, in the 28th Year of his Majesty's Reign, other than the Persons hereafter excepted, in such Manner as they are excepted, by Virtue or Colour of any Command, Power, Authority, Warrant, Commission, or Instructions, from Sir William Berkeley, late Governour of Virginia, deceased, or of or from any Person or Persons deriving, or pretending to derive, mediately or immediately, any Commission, Power, or Authority, from the Grand Assembly in Virginia held in June 1676, or of or from Nathaniel Bacon, Junior,*

(a) *Memorandum.* This Act was brought over by the Lord Culpeper, under the Great Seal of England, with full Power to give the Royal Assent to it; and passed the Assembly unanimously, as appears by the Lord Culpeper's Speech, and the Journal of the House of Burgesses, Anno 1680.

deceased, assuming unto himself the Authority of, or reputed to be Commander in Chief of, all the Forces in *Virginia* by Land or Sea, or from any other Person or Persons deriving, or pretending to derive, any Authority from them, any, or either of them, be pardoned, released, discharged, and put in utter Oblivion, and that as firmly and fully, to all Intents and Purposes, as if they, or every of them, had been herein particularly named and expressed.

A. D. 1680.

III. *AND* be it further enacted, by the Authority aforesaid, that all and every such Person and Persons, their and every of their Heirs, Executors, and Administrators, except as hereafter excepted, that were actually engaged in aiding, acting, advising, assisting, abetting, or counselling the said Rebellion, shall have and enjoy all and every their Lands, Tenements, Hereditaments, Goods, and Chattels whatsoever, forfeited to his Majesty, his Heirs, and Successors, for any of the Crimes aforesaid, in the same Manner, and as freely, to all Intents and Purposes, as if they had not been forfeited; yet so that they, and every of them, and their Estates, real and personal, shall be subject and liable to pay all and singular their just Debts, in the same Manner as if they had committed no Rebellion, Crimes, or Offences.

All Persons engaged in the Rebellion restored to their Estates real and personal.

Yet liable to Payment of their Debts.

IV. EXCEPT, and always foreprised out of this Act, the above named *Nathaniel Bacon*, Junior, the principal Contriver, Beginner, and Maintainer, of the said Rebellion; who having taken up Arms, under Pretence of an *Indian* War, assumed unto himself the Title of General, and did afterwards chase away the then Governour, there rob, kill, and continued to destroy, several other of his Majesty's loyal Subjects that refused to take the detestable Oaths imposed by the said *Bacon*, until it pleased the Almighty to send him, the said *Bacon*, an infamous and exemplary Death, whereby he hath escaped the Punishment in this World so justly due to his Person.

Nathaniel Bacon, Jun. excepted out of this Act.

V. Be it therefore enacted, and it is hereby enacted, by the Authority aforesaid, that the said *Nathaniel Bacon*, Junior, shall be, by Virtue of this Act, and is hereby adjudged to be, convict and attainted of High Treason, to all Intents and Purposes, as if he had been convict or attainted thereof by due Course of Law, in his Lifetime; and that all the Estate, real and personal, whereof he was seized or possessed upon the 5th Day of *June* 1676, or at any Time after, within the Colony of *Virginia*, shall be forfeited to the King's Majesty, his Heirs, and Successors; and it is hereby declared to be vested in his Majesty, his Heirs, and Successors, without any Office or Inquisition thereof to be hereafter taken or found.

And attainted of High Treason.

Forfeits all his Estate.

VI. PROVIDED always, and be it enacted, that this Act, nor any Thing therein contained, shall extend to pardon, discharge, or give any other Benefit whatsoever, unto *Giles Bland*, *Anthony Arnold*, *Richard Turner*, *Richard Pomfrey*, *John Isles*, *Robert Stoakes*, *John Whitson*, and *William Scarborough*, alias *Scarburgh*, who were all legally convicted, attainted, and executed, for their horrid Treasons and Rebellions; or to *Richard Lawrence*, who fired *James City*, and is since fled, notwithstanding his Majesty's gracious Proclamation; but that the Persons last aforesaid, and their Estates, are out of this Act wholly excepted and foreprised.

Other Persons, and their Estates, excepted out of this Act.

VII. PROVIDED also, and it is hereby enacted and declared, by the Authority aforesaid, that if *Joseph Ingram*, *Gregory Walklate*, *Thomas Whaley*, *John Forth*, and *John Langstone*, shall, at any Time after the passing this Act, accept or exercise any Office, or publick Employment whatsoever, within the said Colony of *Virginia*, that then such of them as do so accept or exercise as aforesaid shall, to all Intents and Purposes, stand as if he or they had been totally excepted by Name out of this Act.

Persons disabled to bear Office.

A. D. 1680.

For Relief of
Sufferers by the
Rebellion.And for pre-
venting Suits.

VIII. AND whereas many of his Majesty's loyal Subjects cannot but be very great Sufferers by the Spoils and Rapines committed during the late Rebellion, to the Intent that they may have as much Relief therein as may possibly stand with the Quiet of the Country, as also for the avoiding and determining the endless Suits and Prosecutions which must necessarily ensue if Care be not taken to prevent the same,

No Satisfac-
tion to be
made for
Wrongs done
between the
1st of May and
the 16th of
January 1676,
if no Judgment
was obtained
before the 25th
of April 1679.

IX. *IT is hereby further enacted, by the Authority aforesaid,* that as to any Wrong or Injury which hath been committed by any Person or Persons, at any Time between the 1st Day of May and the 16th Day of January 1676, whereby the Goods or Commodities of any his Majesty's Subjects in Virginia have been destroyed or spoiled, or have been impaired or made worse, and for which no Judgment hath been actually obtained before the 25th of April 1679, in the 31st Year of his Majesty's Reign, no Account, Suit, Process, or Satisfaction, be at any Time hereafter required, prosecuted, made, or given for the same, from or against any Person or Persons whatsoever.

But Goods of
Persons not en-
gaged in Re-
bellion, taken
between the 1st
of May and the
16th of Jan.
may be reco-
vered by the
Owners.

X. *PROVIDED always,* that where the Goods of any his Majesty's Subjects not actually engaged in the said Rebellion, or being aiding or assisting to the same, have been wrongfully taken away between the said 1st Day of May and the said 16th Day of January, and shall be found in the Possession of any other Person or Persons, it shall and may be lawful for the Owner or Owners of such Goods or Commodities, his or their Executors or Administrators, to take, sue for, and recover the same, by all legal Means; any Thing in this Act contained, or any other Laws, Acts, or Statutes, to the contrary notwithstanding.

Rebel Ser-
vants lose their
Time of Ser-
vice from the
1st of May to
the 16th of
January.

XI. *PROVIDED always,* that no further Punishment, Satisfaction, or Damages, shall be recovered or inflicted on any Christian Servants that have deserted their Masters, or been active in the late Rebellion, than that the Time incurring between the said 1st Day of May and the said 16th Day of January shall be accounted no Part of their Time of Service.

Judgments,
Decrees, &c.
before passing
this Act, con-
firmed.

XII. *AND be it further enacted, by the Authority aforesaid,* that no Verdicts, Judgments, Indictments, Informations, Decrees, Sentences, Probats of Wills, Administrations, Writs, or Actings on, or Return of Writs, Orders, or other Proceedings whatsoever, in Law or Equity, had, made, given, taken, or done, or depending in any Courts, or before any Judges whatsoever, within the said Colony of Virginia; nor any Actings, Process, Proceedings, or Executions thereupon had, made, given, done, or suffered, at any Time before the passing this Law within our said Colony, shall be avoided for or by Reason that the Premises, or any of them, were commenced, prosecuted, had, made, held, or done, by or before any Person pretending and assuming the Name, Title, Authority, and Dignity, of Governour of the said Colony, though he were not legally so, or before any Person or Persons pretending and assuming the Name, Title, and Authority, of Counsellors within the said Colony, though not legally so; but that all and every such Verdicts, Judgments, and other Things above-mentioned, and the Actings, Doings, and Proceedings thereupon, shall be of such and of no other Force, Effect, and Value, than as if such Person so assuming the Name, Title, Authority, and Dignity of Governour, had been legally commissioned by his Majesty thereunto, and as if such Person or Persons pretending the Name, Title, and Authority, of Counsellors there, had been legally authorized thereunto.

For punishing
Aspersions of
this Govern-
ment.

XIII. AND whereas, during the Licentiousness of the late Times, several ill disposed Persons took upon them to asperse the Government, and defame the Governour and chief Magistrates of the said Colony, raising false and scandalous Reports, without which our good Subjects there could not have been so

easily led away, which cannot but tend to the future Disturbance of the Peace and Welfare thereof, if not timely prevented, by inflicting Punishments proportionate to the Greatness of the Crime, A. D. 1680.

XIV. *BE it therefore enacted, by the Authority aforesaid, that whosoever shall, after the passing this Act, maliciously and advisedly, by writing, speaking, or otherwise, express, publish, utter, or declare, any Words, Sentences, or other Thing or Things, to incite or stir up the People to the Dislike of any Person appointed by his Majesty to be Governour or Commander in Chief of the said Colony, or tending to the Dishonour or defaming of the said Governour or Commander in Chief for the Time being, and being thereof legally convicted, shall be imprisoned during one Year, without Bail or Mainprize, and incur such Forfeiture as shall be adjudged, not exceeding the Sum of 500l. to the King's Most Excellent Majesty, his Heirs, and Successours.* Defaming the Governour, or Commander in Chief.

One Year's Imprisonment without Bail, and 500l. Fine.

XV. *AND it is in like Manner enacted that whosoever shall maliciously and advisedly, by writing, speaking, or otherwise, express, publish, utter, or declare, any Words, Sentences, or other Things, to incite or stir up the People to the Dislike of his Majesty's Counsellors, Judges, or other principal Officers within the said Colony, or tending to the Dishonour or defaming of the said Counsellors, Judges, or principal Officers, and being thereof legally convicted, shall be imprisoned three Months, without Bail or Mainprize, and incur such Forfeiture as shall be adjudged, not exceeding the Sum of 100l. to the King's Most Excellent Majesty, his Heirs, and Successours; any Act or Acts, Order or Orders, to the contrary, in any Wise notwithstanding.* Or a Counsellor, Judge, or principal Officer, 3 Months Imprisonment, and 100l. Fine.

C H A P. II.

(a) *An Act for Naturalization.*

I. **W**HEREAS nothing can contribute more to the speedy settling and peopling of this his Majesty's Colony of *Virginia* than that all possible Encouragement should be given to Persons of different Nations to transport themselves hither, with their Families and Stocks, for to settle, plant, or reside, by investing them with all the Rights and Privileges of any his Majesty's natural free born Subjects within the said Colony, Preamble.

II. *BE it therefore enacted, by the King's Most Excellent Majesty, by and with the Consent of the General Assembly, and it is hereby enacted by the Authority aforesaid, that it shall and may be lawful for the Governour, or Commander in Chief of this Colony for the Time being, or any of his Successours, Governours of this Colony, by a publick Instrument under the Broad Seal thereof, to declare any Alien or Aliens, Foreigner or Foreigners, being already settled, or Inhabitants of this his Majesty's Colony, or such as shall hereafter come for to settle, reside, or plant in it, and having taken the Oaths of Allegiance before the Governour, or Commander in Chief for the Time being, to be, to all Intents and Purposes, fully and completely naturalized; and that the said Persons so approved of, and named in the said Letters Patents, as aforesaid, shall, by Virtue of this Act, have and enjoy, to them and their Heirs, the same Immunities and Rights, of and unto the Laws and Privileges of this Colony, and as fully and amply as any of his Majesty's natural born Subjects have or enjoy within the same, as if they themselves had been born within any of his Majesty's Realms or Dominions; any for-* Governour may grant Letters of Naturalization.

And administer the Oath of Allegiance.

Such Persons entitled to all Privileges of natural born Subjects.

(a) This Act was also brought by the Lord Culpeper, under the Great Seal of England, with the former, and passed the Assembly unanimously. See 4 Ann. (1705) Cap. 11.

A. D. 1680.

mer Law, Act, Ordinance, Usage, or Custom, to the contrary, in any Wise notwithstanding.

III. AND to the Intent that the said Letters Patents, and Instrument, under the Broad Seal of this Colony as aforesaid, may be obtained without any great Difficulty or Charge,

Fees for the
Letters Patents.

IV. *BE it further enacted* that the Governour, or Commander in Chief, shall have and receive for the same 40s. and his Clerk, for writing of it, 10s. and no more.

V. AND whereas several Aliens and Foreigners that have formerly transported themselves to this his Majesty's Colony, and have taken up and patented in their own Name several Parcels of Land, or otherwise made Purchase of Lands, Houses, or other real Interest, and have afterwards sold the same to some of his Majesty's liege People, or Inhabitants of this Colony,

Purchasers of
Aliens Lands
confirmed in
their Titles.
See 7 Geo. 3.
(1766) Cap. 20.

VI. *IT is therefore hereby enacted and ordained, by the Authority aforesaid,* that all such Person or Persons that shall have so bought of any Alien or Aliens any Lands, Houses, or Tenements, be secured, and by Virtue of this present Act for ever confirmed in the quiet and peaceable Possession of the said Purchases, unto them and their Heirs for ever; any former Law, Usage, or Custom, to the contrary, in any Wise notwithstanding.

Proviso.
No Privilege
granted to Ali-
ens by this Act
contrary to the
Laws of Eng-
land.

VII. *PROVIDED*, that nothing in this Act contained shall be construed to enable, or give Power or Privilege to, any Foreigner to do or execute any Matter or Thing which by any of the Acts made in *England* concerning his Majesty's Plantations he is disabled to do or execute.

C H A P. III.

(a) *An Act for raising a publick Revenue for the better Support of the Government of this his Majesty's Colony of Virginia.*

Preamble.

I. **W**HEREAS there is a great and continual Charge required for the Maintenance of the Governour, and several other Officers and Persons, as also for the Fort and Fortifications, besides many other contingent Expenses, absolutely necessary for the Support of the Government of this Colony,

2 s. per Hog-
head laid upon
Tobacco.

II. *BE it therefore enacted, and it is hereby enacted, by the King's Most Excellent Majesty, by and with the Consent of the General Assembly,* that for every Hoghead of Tobacco that shall at any Time hereafter be exported out of this Colony, by Land or Water, to any other Place whatsoever, there shall be paid by the Exporter 2s. of current Money of *England*, as also for every 500 lb. of Tobacco exported in Bulk, or otherwise, and so proportionably for a greater or lesser Quantity; the same to be to the King's Most Excellent Majesty, his Heirs, and Successours, for ever, to and for the better Support of the Government of this his Majesty's Colony of *Virginia*, in such Manner as is herein before expressed, and to and for no other Use, Intent, or Purpose, whatsoever.

1 s. 3 d. per Tun
upon Shipping.

III. *AND be it further enacted, by the Authority aforesaid,* that all Ships or Vessels whatsoever coming to this Colony, or any Part thereof, shall respectively pay for every Tun such Ship or Vessel shall contain one Half Pound of good and

(a) This Act was also brought over by the Lord Culpeper, under the Great Seal of *England*, with the two former, and passed the Assembly, with the Addition of the two Provisos at the End of the Act. See 9 Ann. (1710) Cap. 1.

new Gunpowder, and three Pounds of leaden Shot, or 1 s. 3 d. Sterling in Lieu thereof, as also 6 d. per Poll for every Person imported, not being actually a Mariner in Pay; the same to be also to the King's Most Excellent Majesty, his Heirs, and Successors, for ever, for the better Support of the Government of this his Majesty's Colony of *Virginia*, in such Manner as is herein before expressed, and to and for no other Use, Intent, or Purpose, whatsoever.

A. D. 1680.
And 6 d. per
Poll on Persons
imported, ex-
cept Mariners.

IV. AND for the better Discovery and preventing of Frauds, *Be it further enacted, by the Authority aforesaid*, that the Master of every Ship or Vessel shall deliver his Boatswain's Book to the Perusal of the respective Collectors, and make Oath of the Truth thereof, to the best of his Knowledge; and that the Mate, Boatswain, or any other Officer, Seamen, or other Persons, be also sworn, if there be Cause, for the Discovery of the Freight: And if any Master shall wittingly or willingly conceal any Part of his Freight, or make false Entry of the Burthen of his Ship or Vessel, or Number of Persons imported, as aforesaid, that then the said Master shall forfeit for every such Offence the Sum of 100 l. Sterling, as also the treble Duties for every Hogshead, or 500 lb. of Tobacco, and for every Tun concealed; one Moiety to the Informer, and the other Moiety to the King's Most Excellent Majesty, his Heirs, and Successors; and for the Uses above mentioned, and to be recovered by Action of Debt, Bill, or Complaint, by Virtue of this Act, against which no Essoin, Wager of Law, or Protection, to be allowed to any Person so offending.

For Discovery
of Frauds,
Shipmaster
shall make
Oath to his
Freight.

Penalty on
Concealment.

Ch. 29. 1748.

V. AND it is hereby further enacted, by the Authority aforesaid, that the respective Master of every Ship and Vessel shall enter into a Bond of 20 l. Sterling, to the King's Most Excellent Majesty, his Heirs, and Successors, for the Payment of the Duties of so many Hogsheads, or 500 lb. of Tobacco, as shall, upon due Certificate, appear to be entered in the Custom-House in *England*, more than shall be entered and paid to the respective Collectors and other Officers in *Virginia*, unless the said Collectors and Officers be fully satisfied of the true Number of Hogsheads, and Freight of the said Ships and Vessels; the said Bond to be made without any Fee, and to be void to all Intents as if never made, if not put in Suit upon due Certificate, to be procured by the respective Collectors, from the Custom-House in *England*, within one Year from the making thereof; which said Collectors, and other Officers, are hereby required to use their utmost Diligence in the due Execution of this Act, and shall be allowed their usual Salaries, or such other as by the Governour, or Commander in Chief for the Time being, with the Advice of the Council, shall be adjudged necessary for collecting the said Imposition; which said Governour, or Commander in Chief for the Time being, is also hereby further authorized and empowered, from Time to Time, with the Advice of the Council, as is before specified, to give such reasonable Allowances and Encouragement as shall be adjudged fitting, not exceeding 10 per Cent. to such Masters of Ships, or other Persons, as shall give in true Accounts, and advance and pay down the above mentioned Duties, either in Money or good and sufficient Bills of Exchange, to the Satisfaction of the respective Collectors.

And shall give
Bond to pay
the Duties on
Tobacco en-
tered in *Eng-
land*, more than
was entered
and paid for
here.
Ch. 29. 1748.

Bonds void if
no Suit within
a Year.

VI. (a) PROVIDED always, and it is hereby enacted and declared, by the Authority aforesaid, that the Act of Assembly, in the printed Book, entitled *Imposition of 2 s. per Hogshead*, made at a Grand Assembly held at *James City* the 23d of *March* 1661, also one other Act, entitled *An Act for the Imposition of 2 s. per Hogshead*, made at *James City* the 2d of *December* 1662, also one other Act, in the printed Book, entitled *Castle Duties to be paid*, made at a Grand Assembly holden at *James City* the 23d of *March* 1661, and all other former Acts, for the raising or levying of 2 s. per Hogshead Impost upon Tobaccos ex-

Ch. 128. 1661. }
Ch. 17. 1662. } Edit. 1751.
Ch. 132. 1661. }

(a) This Proviso was added by the Assembly, and the Bill passed, after it had been rejected by the Burgesses. Assembly Journal, June 18th, 1680.

A. D. 1680.

ported out of this his Majesty's Colony of *Virginia*, or for raising or levying Castle Duties, Tunnage, or Head Money, be, and are hereby, by Virtue of this Act, fully repealed and made void, to all Intents and Purposes; any Thing in this Act, or any other Law, Statute, Custom, Usage, or Instructions, whatsoever, to the contrary notwithstanding.

Ch. 12. 1661.

VII. (a) *PROVIDED* also, and it is hereby enacted and declared, by the Authority aforesaid, that the Privilege of *Virginia* Owners of Ships, expressed and set down in the 134th Act in the printed Book, entitled *Privilege of Virginia Owners*, made at *James City* the 23d of *March* 1661, and one Act, made at *James City* the 20th of *October* 1669, entitled *An Act for freeing Virginia Owners from Castle Duties*, shall be, and are hereby meant and intended to be in full Force, Power, and Virtue, to the Benefit, Use, and Privilege, of all and every such Owner or Owners; any Thing in this Act, or any other Law, Statute, Custom, Usage, or Instructions, whatsoever, to the contrary notwithstanding.

Ch. 1. 1669.
confirmed.

C H A P. IV.

*An Act prohibiting unlawful Disturbances of Divine Service.*Disturbers of
divine Service
to be fined.First Offence
100 lb. of To-
bacco and
Cask, every
Offence after
500 lb. and
Cask.Justice not
putting this
Law in Execu-
tion fined 500
lb. and Cask.

BE it enacted, (b) by the King's Most Excellent Majesty, by and with the Consent of the General Assembly, and it is hereby enacted, by the Authority aforesaid, that whosoever, from and after the Publication of this Act, shall appear in any Church or Chapel within this his Majesty's Colony, whilst the Minister is exercising his ministerial Function, and shall disturb him by Words, or any other Manner of Means whatsoever, or shall there appear in any unseemly or indecent Gesture, any Justice, Sheriff, or other Officer then present, shall put such Person or Persons so offending under Restraint during divine Service, who shall also, for the first Offence, be fined two hundred Pounds of Tobacco and Cask, and for every such Offence, as shall be by them, or any of them, committed after, in the like Quality, shall be fined five hundred Pounds of like Tobacco and Cask, for every such Offence, which Fines shall be levied by the Sheriff upon the Estate of the Person or Persons so offending, by Virtue of a Warrant from a Justice of the Peace, for the Use of the Parish; and such Justice of the Peace that shall refuse or neglect to put this Law into severe Execution shall be fined five hundred Pounds of Tobacco and Cask, to the Use of the Parish, for every such Neglect.

Signed by Lord CULPEPER, Governour.
THOMAS BALLARD, Speaker.

(a) This Proviso was also added by the Assembly, and the Bill passed, after it had been rejected by the Burgesses.

(b) *Memorandum.* That the Stile of all the Acts of this Session, except the first three, was mistaken, and ought to have been in the Name of the Governour, Council, and Burgesses, and not in the Name of the King, as those were which were proposed and sent over under the Great Seal of *England*, by the King himself.

A. D. 1705.

At a GENERAL ASSEMBLY begun at the Capitol, in the City of *Williamsburg*, the 23d Day of *October*, in the 4th Year of the Reign of our Sovereign Lady ANNE, by the Grace of GOD of *England, Scotland, France, and Ireland*, Queen, Defender of the Faith, &c. *Annoque Domini 1705.*

C H A P. I.

An Act for regulating the Election of Burgesses, for settling their Privileges, and for ascertaining their Allowances.

I. *BE* it enacted and declared, by the Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted and declared by the Authority of the same, that the Freeholders (a) of every County that now is, or hereafter shall be, in this Dominion, now have, and for ever hereafter shall have, the Privilege and Liberty of electing and choosing two of the most fit and able Men of their County respectively to be present, and to act and vote, in all General Assemblies which from Time to Time, and at any Time hereafter, shall be held within this Dominion; and also that the Freeholders of *James City* shall have the Liberty of electing and choosing one Burgess, to be present, act, and vote, in the General Assembly as aforesaid.

The Freeholders of every County to elect two Burgesses.

James City one Burgess.

II. AND for the more regular and legal electing of the said Burgesses in all Time coming, *Be it enacted, by the Authority aforesaid*, that the following Rules and Methods shall be observed, viz. that the Writs for electing the said Burgesses shall be signed by the Governour, or Commander in Chief of this Dominion for the Time being, and have the Seal of the Colony affixed to them, and shall be delivered to the Secretary at least 40 Days before the Day appointed for the General Assembly to begin, to be by him transmitted to the Sheriffs of the respective Counties; that the Secretary shall cause the said Writs to be safely conveyed and delivered to the several Sheriffs of every respective County, within ten Days after the Date of such Writs; that every Sheriff, in three Days after he receives any such Writ, shall cause one fair Copy thereof to be delivered to every Minister and Reader of the several Parishes within his County, upon every one of which said Copies shall be endorsed, by the Sheriff, the Time and Place by him appointed for the Election of Burgesses, which shall always be made at the Place where the County Court is accustomed to be held, at least 20 Days after the Sheriff shall have received the Writ; that after the Receipt of such Copy and Endorsement the Minister or Reader as aforesaid shall publish the same after divine Service in the Church or Chapel where they or either of them officiate, upon every *Sunday* that shall be between the Receipt of such Copy and the Day appointed for the Election of Burgesses, and after such Publication the Minister or Reader shall return the said Copy to the Sheriff, with a Certificate of the Publication thereof, and of the Time and Place of the Election. And if at any Time hereafter the Secretary of this Dominion for the Time being shall fail to cause the Writs for electing of

Method of issuing and executing the Writs for Elections.

Penalties on Failure.

(a) See 9. Geo. I. (1723) Cap. 4. of the Edit. 1733, Sect. 23, declaring that no free Negro, Mulatto, or Indian, whatsoever, shall have any Vote at the Election of Burgesses, or any other Election whatsoever. N. B. That whole Act was repealed, except this Clause.

A. D. 1705.

Burgesses to be safely conveyed and delivered to the several Sheriffs as aforesaid, he shall forfeit and pay the Sum of forty Pounds current Money, one Moiety thereof to our Sovereign Lady the Queen, her Heirs, and Successors, for and towards the better Support of the Government of this her Majesty's Dominion and the contingent Charges thereof, and the other Moiety thereof to such Person or Persons as will inform and sue for the same; to be recovered, with Costs, in any Court of Record within this Dominion, by Information, Bill, Complaint, or Action of Debt, wherein no Effoin, Protection, or Wager of Law, Privilege, or any more than one Imparlance, shall be allowed. And if at any Time hereafter the Sheriff of any County within this Dominion shall fail to cause to be delivered one fair Copy of any Writ for Election of Burgesses, with an Endorsement thereupon as aforesaid, unto every Minister and Reader as aforesaid, within his County respectively, in such Time as is before directed, such Sheriff shall forfeit and pay the Sum of two Thousand Pounds of Tobacco, one Moiety thereof to our Sovereign Lady the Queen, her Heirs, and Successors, for and towards the better Support of the Government of this her Majesty's Dominion and the contingent Charges thereof, and the other Moiety thereof to such Person or Persons as will inform and sue for the same; to be recovered, with Costs, in any Court of Record within this Dominion, by Information, Bill, Complaint, or Action of Debt, wherein no Effoin, Protection, or Wager of Law, Privilege, or any more than one Imparlance, shall be allowed. And if any Minister or Reader who shall hereafter receive from the Sheriff of his County the Copy of a Writ for Election of Burgesses in the said County shall, after the Receipt thereof, fail to make Publication and Return according to the Directions of this Act, such Minister or Reader shall forfeit and pay the Sum of one Thousand Pounds of Tobacco, one Moiety thereof to our Sovereign Lady the Queen, her Heirs, and Successors, for and towards the better Support of the Government of this her Majesty's Dominion and the contingent Charges thereof, and the other Moiety thereof to such Person or Persons as will inform and sue for the same; to be recovered, with Costs, in any Court of Record within this Dominion, by Information, Bill, Complaint, or Action of Debt, wherein no Effoin, Protection, or Wager of Law, Privilege, or any more than one Imparlance, shall be allowed.

Every resident
Freeholder to
appear and vote
at the Election.

Penalty 200
lb. of Tobacco.

Proviso.
Persons disa-
bled to vote.

Any Person
not being a
Freeholder,
presuming to
vote, forfeits
200 lb. of To-
bacco.

Method of
taking the Poll.

III, *AND be it further enacted*, that after Publication of the Writs, and Time and Place for Election of Burgesses as aforesaid, every Freeholder, actually resident within the County where the Election is to be made respectively, shall appear accordingly, and give his Vote at such Election, upon Penalty of forfeiting two hundred Pounds of Tobacco to such Person or Persons as will inform or sue for the same; to be recovered, with Costs, in any Court of Record within this Dominion, by Information, Bill, Complaint, or Action of Debt, wherein no Effoin, Protection, or Wager of Law, Privilege, or any more than one Imparlance, shall be allowed.

IV. *PROVIDED always*, that no Freeholder being a Feme Sole, Feme Covert, Infant under Age, or recusant Convict, shall be obliged to appear and give his or her Vote in any of the said Elections; neither, if they do appear, shall they have Liberty to vote, but shall be excluded therefrom, as though they were not Freeholders. And if any Person shall presume to give his Vote for Election of any Burgefs or Burgesses, not being a Freeholder in the County or Town respectively where he shall give his Vote, such Person shall forfeit and pay five hundred Pounds of Tobacco, one Moiety thereof to our Sovereign Lady the Queen, her Heirs, and Successors, for and towards the better Support of the Government of this her Majesty's Dominion and the contingent Charges thereof, and the other Moiety thereof to such Person or Persons as will inform and sue for the same; to be recovered, with Costs, in any Court of Record within this Dominion, by Information, Bill, Complaint, or Action of Debt, wherein no Effoin, Protection, or Wager of Law, Privilege, or any more than one Imparlance, shall be allowed. And if, upon any Suit brought, the Question shall arise whether any Person be a Freeholder or not, in such Case the *Onus Probandi* shall lie upon the Defendant. And if the Election of any Burgefs or Burgesses cannot be determined upon the View, by Consent of the Freeholders, the Sheriff, or in his Absence the Under Sheriff, shall

proceed to take the Poll in Manner following, to wit: He shall appoint such and so many Person or Persons as to him shall seem fit to take in Writing the Name of every Freeholder who gives his Vote, and the Person or Persons he votes for, which Person or Persons so appointed shall first take an Oath for his true and impartial taking the Poll, which Oath the Sheriff, or in his Absence the Under Sheriff, is hereby empowered and required to administer; and then (the Sheriff or Under Sheriff as aforesaid having provided one or more Book or Books for that Purpose, as Occasion shall require) in the Court-House of the County, in Presence of the several Candidates nominated, if they will be present, or such other Persons as (if they think fit) they may appoint to see the Poll fairly taken, the Person or Persons so appointed and sworn as aforesaid shall take the Poll as followeth, to wit: First, he or they shall write down the Names of all the Candidates, every one in a several Page of the Book, or in a particular Column; and then the Name of every Freeholder coming to give his Vote shall be fairly written in the several Pages or Columns respectively, under the Name or Names of such Person or Persons as he shall vote for: *Provided*, that no Freeholder who at such Election shall have given his Vote for two Persons shall be permitted to vote or poll for any more. And when every Freeholder present shall have given his Vote in Manner as aforesaid (or, upon Proclamation three Times made at the Court-House Door, if no more Freeholders will give their Votes) the Sheriff or Under Sheriff as aforesaid shall conclude the Poll; and afterwards, upon Examination thereof, whatever Person or Persons of the Candidates shall appear to have the most Votes the Sheriff or Under Sheriff as aforesaid shall return him or them Burgeses or Burgeses: And if two or more Candidates shall have an equal Number of Votes, the Sheriff or Under Sheriff as aforesaid, being a Freeholder, shall and may return which of them he thinks fit. And every Freeholder, before he is admitted to poll at any such Election, if it be required by the Candidates, or any of them, or any other Freeholder in their Behalf, shall take the following Oath, which Oath the Sheriff or Under Sheriff as aforesaid is hereby empowered and required to administer, to wit:

A. D. 1705.

And return-
ing the Burges-
ses. See Cap. 1,
1736, Sect. 8.Freeholders,
if required,
shall be sworn.

*Y*O U shall swear that you are a Freeholder of the County of
and that you have not been before polled at this Election.

The Oath re-
pealed, and al-
tered, Cap. 1,
1736. Sect. 7.

And in Case any Freeholder, or other Person taking the said Oath, shall thereby commit wilful and corrupt Perjury, and be thereof convicted, or if any Person do unlawfully and corruptly procure or suborn any Freeholder, or other Person, to take the said Oath, in Order to be polled, whereby he shall commit such wilful and corrupt Perjury, and shall be thereof convicted, he and they, for every such Offence, shall forfeit and pay the Sum of ten Pounds current Money, one Moiety to our Sovereign Lady the Queen, her Heirs, and Successors, for and towards the better Support of the Government of this her Majesty's Dominion and the contingent Charges thereof, and the other Moiety thereof to him or them that will inform or sue for the same; to be recovered, with Costs, in any Court of Record within this Dominion, by Action of Debt, Bill, Complaint, or Information, in which no Effoin, Protection, or Wager of Law, shall be allowed.

Punishment
of Perjury, or
Subornation.
See Cap. 1,
1736. Sect. 7.

V. AND for Prevention of Disputes which may hereafter arise in Elections of Burgeses, who shall be accounted and pass for Freeholders,

VI. BE it enacted by the Authority aforesaid, and it is hereby enacted and declared, that every Person who hath an Estate real for his own Life, or the Life of another, or an Estate of any greater Dignity, shall be accounted a Freeholder, within the Meaning of this Act.

Who shall be
accounted Free-
holders. See
Sect. 2, 4, 5, 6,
of Cap. 1, 1736.

VII. AND after the Election shall be made, in Manner as herein is before directed, the Sheriff or Under Sheriff as aforesaid shall make Return thereof in Manner following, to wit: Upon the Writ shall be endorsed thus,

Form of the
Returns.

E.

A. D. 1705.

The Execution of this Writ appears in a certain Schedule hereto annexed.

And in the Schedule to the Writ annexed the Execution thereof shall be certified as followeth, *mutatis mutandis*, viz.

For a County. **BY** Virtue of this Writ to me directed, in my full County, held at the Court-House for my said County, upon the Day of in the Year of the Reign of by the Grace of God of * England, Scotland, France, and Ireland, Queen, Defender of the Faith, &c. by the Assent of my said County, I have caused to be chosen [two Burgeses] of my said County, to wit, A. B. and C. D. to act and do as in the said Writ is directed and required.

For William and Mary College, or a Town. And for the College of William and Mary, or for any Town, the Form of the Return shall be thus:

BY Virtue of this Writ to me directed, I did make lawful Publication thereof; and afterwards, to wit, upon the Day of in the Year of the Reign of by the Grace of God of * England, Scotland, France, and Ireland, Queen, Defender of the Faith [at the said Town of] or [at the said College] by the Assent of the [Freeholders] or [President and Masters, or Professors] thereof, I have caused to be chosen one Burgess for the said [Town] or [College], to wit, A. B. of to act and do as in the said Writ is directed and required.

Sheriff shall deliver a Copy of the Poll, upon Request.

And if at any Time any Candidate, or other Person in his Behalf, shall desire a Copy of the Poll, the Sheriff or Under Sheriff who manages the Election, as soon as may be, shall cause a fair Copy thereof to be made, and shall deliver it, attested with his own Hand, unto such Candidate, or other Person, as shall require the same as aforesaid.

And shall execute new Writs in the Room of Burgeses dead or disabled. See Act 3 and 4 Geo. II. 1730. Cap. 5.

Penalty on Sheriffs and Under Sheriffs Refusal or Neglect.

VIII. AND if, upon the Death or Incapacity of any Member or Members of the House of Burgeses, the Sheriff of any County shall receive a Writ for the Election of one or more Burgeses or Burgeses during the Session of the General Assembly, in such Case he is hereby required to appoint such and so many Persons as to him shall seem fit to give Notice thereof, and of the Time and Place of Election, unto every particular Freeholder residing within the County or Town for which such Election is to be made; which Election shall be made as soon as possible, in Manner as is herein before directed, and the Person or Persons so elected shall be returned in Form aforesaid. And if the Sheriff of any County, or in his Absence the Under Sheriff (being thereunto required, before the Return be made, by any Candidate or Freeholder) shall refuse to take the Poll, or shall take it in other Manner than is herein directed, or shall refuse to give a Copy of the Poll as aforesaid, or shall make any false Return, or double Return, or shall fail to make any Return, or shall make any Return in other Form than is herein before directed, every such Sheriff or Under Sheriff as aforesaid offending herein, or in any one of these Cases respectively, shall forfeit and pay the Sum of forty Pounds Sterling, one Moiety thereof to our Sovereign Lady the Queen, her Heirs, and Successours, for and towards the better Support of the Government of this her Majesty's Dominion and the contingent Charges thereof, and the other Moiety thereof to him or them that will inform or sue for the same; to be recovered, with Costs, in any Court of Record within this Dominion, by Action of Debt, Bill, Plaint, or Information, in which no Essoin, Protection, or Wager of Law, shall be allowed.

Returns shall be to the Secretary's Office.

IX. AND be it further enacted, that the Sheriff of every County shall return every Writ to him directed for the Election of one or more Burgeses or Burgeses,

* Note. The Style is now altered by Act of Parliament, and instead of England, Scotland, ought to be Great Britain.

and shall cause the same to be safely delivered to the Clerk of the Secretary's Office for the Time being, or to such other Person as shall attend in the said Office to receive the same, at least the Day before the Day mentioned in any such Writ for the Return thereof; and if any Sheriff shall neglect or fail performing his Duty herein, he shall forfeit and pay the Sum of two thousand Pounds of Tobacco, one Moiety thereof to our Sovereign Lady the Queen, her Heirs, and Successors, for and towards the better Support of the Government of this her Majesty's Dominion and the contingent Charges thereof, and the other Moiety thereof to him or them that will inform or sue for the same; to be recovered, with Costs, in any Court of Record within this Dominion, by Action of Debt, Bill, Plaint, or Information, in which no Effoin, Protection, or Wager of Law, shall be allowed.

A. D. 1705.

Penalty.

X. *AND be it further enacted, by the Authority aforesaid, that no Person or Persons hereafter to be elected to serve in the General Assembly for any County, Town, or Corporation, within this Dominion, after the Test, or issuing out or ordering of the Writ or Writs of Election, upon the calling or summoning of any General Assembly hereafter, or after any Place becomes vacant hereafter, in the Time of this present or any succeeding General Assembly, shall or do by himself or themselves, or by any other Ways or Means, on his or their Behalf, or at his or their Charge, before his or their Election to serve in the General Assembly for any County, Town, or Corporation, within this Dominion, directly or indirectly, give, present, or allow, to any Person or Persons having Voice or Vote in such Election, any Money, Meat, Drink, Entertainment, or Provision, or make any Present, Gift, Reward, or Entertainment, or shall at any Time hereafter make any Promise, Agreement, Obligation, or Engagement, to give or allow any Money, Meat, Drink, Provision, Present, Reward, or Entertainment, to or for any such Person or Persons in particular, or to any such County, Town, or Corporation in general, or to or for the Use, Advantage, Benefit, Employment, Profit, or Preferment, of any such Person or Persons, County, Town, or Corporation, in Order to be elected, or for being elected to serve in the General Assembly for any such County, Town, or Corporation.*

No Candidate shall give or promise, &c. any Money, Treat, Present, Preferment, &c. to any Freeholder, County, or Corporation.

XI. *AND be it hereby further enacted, and declared, that every Person or Persons so giving, presenting, or allowing, making, promising, or engaging, doing, acting, or proceeding, shall be, and are hereby, declared and enacted to be disabled and incapacitated, upon such Election, to serve in the General Assembly for such County, Town, or Corporation; and that such Person or Persons shall be deemed and taken, and are hereby declared and enacted to be deemed and taken, no Members of the General Assembly, and shall not act, sit, or have any Vote or Place in the General Assembly, but shall be, and are hereby, declared and enacted to be, to all Intents, Constructions, and Purposes, incapacitated, as if they had never been returned or elected Members for the General Assembly.*

Persons making or promising Presents, &c. disabled to sit in the House of Burgesses.

XII. *AND be it further enacted, and declared, that no Person under the Age of one and twenty Years shall be capable of being elected to serve in the General Assembly, neither shall any Person be capable to be elected Burgefs for any County unless at the Time of such Election he shall be a Freeholder in the same County; but every such Election shall be, and is hereby declared to be, illegal and void.*

Election of Infants, or Persons not Freeholders, void. See 3 & 4 Geo. 2. (1730) Cap. 5.

XIII. *AND be it further enacted, and declared, that all and every Member and Members of the General Assembly are, and ought to be, and for ever hereafter shall be, in their Persons, Servants, and Estates, both real and personal, free, exempted, and privileged, from all Arrests, Attachments, Executions, and all other Process whatsoever (save only for Treason, Felony, or Breach of the Peace) during his or their Attendance upon the General Assembly, and by the Space of ten Days before the Beginning, and ten Days after the*

Privilege of the Members of the General Assembly.

A. D. 1705.

Conclusion, of every Session of Assembly; and if any Process shall be depending against any such Member or Members before his or their Election, such Process shall be stayed, and shall not be proceeded upon, against such Member or Members, by the Space of ten Days before and after every Session as aforesaid, and shall then be again revived, and may be prosecuted, as otherwise it might have been, without any Discontinuance or Abatement thereof, by Reason of such being stayed as aforesaid. And if at any Time hereafter the General Assembly shall be prorogued or adjourned for any longer Time than twenty Days, in such Case it shall be lawful to commence any Process against any Member or Members of the General Assembly: *Provided always*, that such Process be stayed as aforesaid, by the Space of ten Days before and after every Session or Meeting, by Prorogation or Adjournment as aforesaid.

Burgesses
Allowances.
See 3 and 4
Geo. 2. (1730)
Cap. 4.

XIV. *AND be it further enacted, by the Authority aforesaid*, that the Allowance for Burgesses attending at the General Assembly shall be as followeth, that is to say: For every Burgess coming by Land shall be allowed and paid by the County for which he serves one hundred and thirty Pounds of Tobacco and Cask a Day, besides the necessary Charge of Ferriage; and for every Burgess which cannot come to the General Assembly otherwise than by Water there shall be allowed and paid, as aforesaid, one hundred and twenty Pounds of Tobacco and Cask a Day. And over and above the said daily Allowances there shall be paid and allowed, for going and returning to and from the General Assembly as followeth, to wit: To every Burgess for the Counties of *James City, York, Warwick, Elizabeth City, New Kent, Gloucester, Charles City, Surry, and Isle of Wight*, the Allowance of one Day for coming and one Day for returning; and to every Burgess for the Counties of *Henrico, Nansmond, Norfolk, Princess Anne, King William, Prince George, King and Queen, Middlesex, and Essex*, the Allowance of two Days for coming and two Days for returning; and to every Burgess for the Counties of *Lancaster and Richmond*, the Allowance of three Days for coming and three Days for returning; and to every Burgess for the Counties of *Stafford, Northumberland, Westmoreland, Northampton, and Accomack*, the Allowance of four Days for coming and four Days for returning. And where the Burgesses come by Water the Sheriff is hereby required and empowered, by impressing, or otherwise, to provide a Boat and two Men to carry the Burgesses of his County respectively to and from the General Assembly; for which Boat, Men, and their necessary Provisions, shall be allowed and paid, as aforesaid, thirty six Pounds of Tobacco for every Day during the Time they are performing that Service. But forasmuch as the Burgesses for the Counties of *Accomack and Northampton* cannot come in a Boat to attend the General Assembly, therefore the Sheriff of each of those two Counties is hereby required and empowered, by impressing, or otherwise, to provide a Sloop and two Men to carry the Burgesses of his County respectively to and from the General Assembly; for which Sloop, Men, and their necessary Provisions, shall be allowed and paid, as aforesaid, sixty Pounds of Tobacco for every Day during the Time they are performing that Service.

This Part repealed and altered by Cap. 4. (1736) Sect. 2.

Propositions and Grievances.

And publick Claims,

To be certified to the Assembly See the next Chapter.

XV. *AND be it further enacted, by the Authority aforesaid*, that at the Time and Place of Election of Burgesses, for any County within this Dominion, the Sheriff, or in his Absence the Under Sheriff, of such County respectively, at the Door of the Court-House, by Proclamation to be there three Times made, between the Hours of one and three of the Clock in the Afternoon, shall give publick Notice of the Time appointed for a Court to be held for receiving and certifying to the next Session of the General Assembly the Propositions and Grievances, and the publick Claims, of all and every Person and Persons within his County; which Propositions and Grievances shall be signed by the Person or Persons presenting the same to the Court, and thereupon the chief Magistrate then present, or the Clerk, by Direction of the Court, shall certify the same to the General Assembly, and shall deliver the same to the Burgesses for the County, to be by them presented accordingly. And in like Manner a Court for re-

ceiving and certifying Propositions and Grievances, and publick Claims, as aforesaid, shall be appointed and held in each County respectively, before every Session of the General Assembly; and the Sheriff of the County is hereby required to cause publick Notice to be given of the Time appointed for the holding such Court, at every respective Church and Chapel within his County.

A. D. 1705.

Notice.

XVI. *AND be it further enacted*, that all and every other Act and Acts, and every Clause and Article thereof heretofore made, for so much thereof as relates to regulating the Elections of Burgesses, or settling their Privileges; or ascertaining their Allowances, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

Repealing Cause.

CHAP. II.

An Act concerning publick Claims.

I. *BE it enacted, by the Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the Authority of the same*, that a particular Court shall be held in every County within this her Majesty's Colony and Dominion, by the Justices of the respective Counties, at the Court-House, before every Session of Assembly, for Proof of all such Debts as are to be paid by the Publick, which shall be none other than what are or shall be so directed by some particular Act of Assembly, and the said Court shall be called a Court for Proof of publick Claims; and for holding the same the Sheriff of every County is hereby strictly required and enjoined to appoint a convenient Day, upon which Day the Justices of the County are hereby empowered and required to meet and sit for the Purposes aforesaid, and the Sheriff and County Court Clerk are hereby also required to attend them.

Before every Session of Assembly a Court of Claims shall be held in each County.

Sheriff to appoint the Day.

II. *AND be it further enacted*, that if the Sheriff or County Court Clerk shall fail to give their respective Attendance at the Court appointed for Proof of publick Claims, the Sheriff or Clerk, for such Failure, shall be fined the Sum of one thousand Pounds of Tobacco; and if any Justice of the Peace, for the County where such Court is appointed to be held, shall be absent from the said Court, and a sufficient Number of Justices be not there to make a Court, then every Justice so absent, without reasonable Cause, shall be fined the Sum of five hundred Pounds of Tobacco, the one Half of which Fines shall be to our Sovereign Lady the Queen, her Heirs, and Successours, for the Use of the County, and the other Half to the Informer; to be recovered by Action of Debt, Bill, Complaint, or Information, in any Court of Record within this Colony and Dominion, wherein no Essoin, Protection, Wager of Law, or more than one Imparlance, shall be admitted or allowed.

Penalties on Justices, Sheriffs, and Clerks, failing to hold or attend the Court.

III. *AND to the End it may be ascertained what Proof the said Courts shall take and allow, Be it further enacted, by the Authority aforesaid, and it is hereby enacted*, that every Person that hath any publick Claim to make shall produce to the said Court the Warrant or Certificate upon which the Claim is grounded, shall exhibit a particular Account of the Services or Disbursements claimed for, and shall make Oath, or give some other sufficient Proof before the Court, that all and every the Services, Things, or Disbursements, for and concerning which such Claim is preferred and exhibited, are really and *bona fide* made, done, and performed, and that no Satisfaction hath been received for the same.

How publick Claims shall be proved.

IV. *AND be it further enacted, by the Authority aforesaid*, that Proof of publick Claims being made as aforesaid, the Clerk of the County Court, in Order to their Allowance in the Assembly, shall, by the Burgesses of the County, trans-

A. D. 1703.
And, certi-
fied. See Chap.
preceding,
Sect. 15.

Clerk's Fee.

mit the said Claims, and every of them, to the Assembly, with the Warrants or Certificates upon which they and every of them are grounded, and also endorse upon every particular Person's Claim what Proof is made before the Court concerning the same, or shall thereunto annex a Certificate thereof, all which the said Clerk shall do *ex officio*, where it so happens that any particular Person's allowed Claim shall be under one hundred Pounds of Tobacco; and for every Certificate upon an allowed Claim amounting to that Sum, or more, the said Clerk (in full of all Fees for his Trouble, and Certificate) shall be allowed twenty Pounds of Tobacco by the Country, provided the Claim be admitted in the Assembly, upon Examination there, to be a Charge which ought to be paid by the Country.

V. And for Prevention of such Frauds as may be imposed upon the Assembly, by two Certificates for one and the same Thing, and avoiding all Occasion of looking far back to find out what publick Claims have been once allowed by the Assembly,

What Claims
shall be re-
jected.

VI. *BE it enacted, by the Authority aforesaid, and it is hereby enacted*, that no publick Claim whatsoever shall be hereafter allowed by the Assembly which is not proved as aforesaid and returned to the first or second Session of Assembly next after the same becomes due, and that every Person concerned in such publick Claim shall ever afterwards be excluded and barred from the Benefit of this Act.

Sheriff shall
be allowed for
publick Ser-
vices no Re-
ward but what
is given in the
Table of his
Fees.

VII. *AND be it also further enacted, by the Authority aforesaid*, that no Sheriff whatsoever within this her Majesty's Colony and Dominion shall for the future have from the Country any Allowance, Reward, or Satisfaction, for publick Services, more than the Laws appointing Sheriffs Fees do direct and give for such Service; and that all such Services of the Sheriff as the said Laws are silent about, or provide no Reward or Allowance for, shall be done *ex officio*.

This Act to
be read before
every Court of
Claims.

VIII. *AND for the better Direction of the Courts appointed by this Act*, to pursue and follow the same in every Respect, *Be it enacted, by the Authority aforesaid, and it is hereby enacted*, that all such Courts shall, and they and every of them are hereby strictly required and enjoined, to cause this Act to be duly read by their Clerk, at the first Opening of every such Court.

Repealing
Clause.

IX. *AND be it further enacted*, that all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to publick Claims, or to any other Matter or Thing whatsoever within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

C H A P. III.

An Act declaring the Negro, Mulatto, and Indian Slaves, within this Dominion, to be real Estate. (a)

After the
passing this Act
all Negro, Mu-
latto, and In-
dian Slaves,
shall be ad-
judged and
descend as real
Estate held in
Fee Simple.

I. **F**OR the better settling and Preservation of Estates within this Dominion,

II. *BE it enacted, by the Governour, Council, and Burgessees, of this present General Assembly, and it is hereby enacted by the Authority of the same*, that from and after the passing of this Act all Negro, Mulatto, and Indian Slaves, in all

(a) This Act was explained and amended 1 Geo. 2. (1727) Cap. 4.

Courts of Judicature, and other Places, ^{A. D. 1703.} within this Dominion, shall be held, taken, and adjudged, to be real Estate, and not Chattels, and shall descend unto the Heirs and Widows of Persons departing this Life, according to the Manner and Custom of Land of Inheritance, held in Fee Simple.

III. *PROVIDED* always, that nothing in this Act contained shall be taken to extend to any Merchant or Factor bringing any Slaves into this Dominion, or having any Consignments thereof unto them, for Sale; but that such Slaves, whilst they remain unfold in the Possession of such Merchant or Factor, or of their Executors, Administrators, or Assigns, shall, to all Intents and Purposes, be taken, held, and adjudged, to be personal Estate, in the same Condition they should have been in if this Act had never been made. ^{But this Act shall not extend to Merchants or Factors importing Slaves for Sale.}

IV. *PROVIDED* also, that all such Slaves shall be liable to the Payment of Debts, and may be taken by Execution, for that End, as other Chattels or personal Estate may be. (a) ^{Slaves liable to Payment of Debts.}

V. *PROVIDED* also, that no such Slaves shall be liable to be escheated, by Reason of the Decease of the Proprietor of the same, without lawful Heirs; but all such Slaves shall, in that Case, be accounted and go as Chattels, and other Estate personal. ^{But not to escheat.}

VI. *PROVIDED* also, that no Person selling or alienating any such Slave shall be obliged to cause such Sale or Alienation to be recorded, as is required by Law to be done upon the Alienation of other real Estate; but that the said Sale, or Alienation, (b) may be made in the same Manner as might have been done before the making of this Act. ^{Sale, &c. of Slaves need not be recorded.}

VII. *PROVIDED* also, that this Act, or any Thing therein contained, shall not extend, nor be construed to extend, to give any Person, being Owner of any Slave or Slaves, and not seized of other real Estate, the Right or Privilege as a Freeholder, meant, mentioned, and intended, by one Act of this present Session of Assembly, intituled *An Act for regulating the Elections of Burgeses, for settling their Privileges, and for ascertaining their Allowances.* ^{Possession of Slaves shall not give the Owner a Vote in Election of Burgeses.}

VIII. *PROVIDED* also, that it shall and may be lawful for any Person to sue for and recover any Slave, or Damage for the Detainer, Trover, or Conversion thereof, by Action personal, as might have been done if this Act had never been made. ^{Slaves recoverable by Action personal.}

IX. *PROVIDED* always, that where the Nature of the Case shall require it any Writ *de partitione facienda*, or of Dower, may be sued forth and prosecuted, to recover the Right and Possession of any such Slave or Slaves. ^{But Writs of Partition or Dower may also be prosecuted.}

X. *PROVIDED*, and be it enacted, that when any Person dies intestate, leaving several Children, in that Case all the Slaves of such Person (except the Widow's Dower, which is to be first set apart) shall be inventoried and appraised, and the Value thereof shall be equally divided amongst all the said Children, and the several Proportions, according to such Valuation and Appraisement, shall be paid by the Heir to whom the said Slaves shall descend by Virtue of this Act unto all and every the other said Children; and thereupon it shall and may be lawful for the said other Children, and every of them, and their Executors or Administrators, as the Case shall be, to commence and prosecute an Action upon the Case, at the common Law, against such Heir, his Heirs, Executors, and Administrators, for the Recovery of their said several Proportions, respectively. ^{Slaves of Persons dying intestate, after the Widow's Dower is set apart, shall be appraised, and the Value equally divided among all the Children, to be paid by the Heir.}

(a) See 21 Geo. 2. (1748) Cap. 6. Sect. 10. and Cap. 8. Sect. 16.

(b) See 30 Geo. 2. (1757) Cap. 3. and 32 Geo. 2. (1758) Cap. 1. to prevent fraudulent Gifts of Slaves.

A. D. 1705.

Widow seized of Slaves in Right of Dower, and transporting any of them out of this Colony, without Consent of the Heir, forfeits all her Dower; and if the Husband of such Widow shall so transport any Slave, the Heir in Reversion may enter, and hold the Wife's Dower during such Husband's Life.

XI. *AND* be it further enacted, by the Authority aforesaid, that if any Widow, seized of any such Slave or Slaves as aforesaid, as of the Dower of her Husband, shall send, or voluntarily permit to be sent, out of this Colony and Dominion, such Slave or Slaves, or any of their Increase, without the lawful Consent of him or her in Reversion, such Widow shall forfeit all and every such Slave or Slaves, and all other the Dower which she holds of the Endowment of her Husband's Estate, unto the Person or Persons that shall have the Reversion thereof; any Law, Custom, or Usage, to the contrary notwithstanding. And if any Widow, seized as aforesaid, shall be married to a Husband who shall send, or voluntarily permit to be sent, out of this Colony and Dominion, any such Slave or Slaves, or any of their Increase, without the Consent of him or her in Reversion, in such Case it shall be lawful for him or her in Reversion to enter into, possess, and enjoy, all the Estate which such Husband holdeth in Right of his Wife's Dower, for and during the Life of the said Husband. (a)

C H A P. IV.

An Act for the continuing of General Assemblies, in Case of the Death or Demise of her Majesty, her Heirs, or Successors; and for making valid all Acts of the Governour and Council, and all Judgments and Proceedings at Law, which shall happen between the Death of any King or Queen of England and the Notification thereof in this Country.

Preamble.

I. **W**HEREAS, by Reason of the great Distance of this Colony and Dominion of *Virginia* from our Mother Kingdom of *England*, there may happen to be a considerable Space of Time between the Death or Demise of the King or Queen for the Time being and the Proclamation of his or her Successor in this Colony and Dominion, for preventing the many Mischiefs, Inconveniences, and unnecessary Charges, which may happen or be occasioned by Reason of such Interval,

General Assemblies not dissolved by the Death of the King, but may continue and be holden according to Summons, or Prorogation, within six Months after such Demise, unless sooner dissolved by the Governour.

II. *BE* it enacted, by the Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted by the Authority of the same, that this present General Assembly, or any other General Assembly which shall hereafter be summoned and called under the Authority of her Majesty Queen *Anne*, her Heirs, and Successors, by the Governour, Lieutenant Governour, or Commander in Chief, by and with the Advice and Consent of the Council of State of this her Majesty's Colony and Dominion, or by the President and Council for the Time being, shall not determine or be dissolved by the Death or Demise of her said Majesty, her Heirs, or Successors, but that such Assembly shall, and is hereby enacted to continue, and be empowered to meet, convene, and sit, according to the Writs or Summons whereby the said Assembly was or shall be convened, and to act, notwithstanding such Death or Demise, for and during the Time of six Months, and no longer, unless the same shall, by such Governour, Lieutenant Governour, Commander in Chief, or President and Council, be sooner prorogued or dissolved; and if the said General Assembly shall be so prorogued, then it shall meet and sit on and upon the Day unto which it shall be prorogued, and continue for the Residue of the said Time of six Months, unless sooner prorogued or dissolved, as aforesaid.

(a) See 23. Geo. II. (1748) Cap. 17. Sect. 1. against clandestine Transportation of Slaves, and 27. Geo. II. (1753) Cap. 2. Sect. 28. Felony to steal Slaves.

III. *AND be it also enacted*, that all Acts, Deeds, and Sentences, of the Governour, Lieutenant Governour, Commander in Chief, or President and Council, in this Colony and Dominion, for the Time being, which he or they might lawfully do, sign, or pass, during the Life of the King or Queen for the Time being, shall be valid, to all Intents and Purposes in Law, although the same happen to be acted, done, or signed, after the Death of the said King or Queen, and before the said Death is by Proclamation publicly notified in this Country; as also all Acts of the Council, Judgments of all Courts, Acts of all Justices of the Peace, and all other Officers civil and military, within this Colony and Dominion, which they might lawfully do, or pass, during the Life of the King or Queen for the Time being, be valid, to all Intents and Purposes in Law, although the same happen to be acted after the Death of the said King or Queen, and before the Notification thereof by the Government, in this Colony and Dominion; and that all Treasons, Rebellions, and all other Crimes whatsoever, committed, or which shall be committed, during the said Time, shall be punishable, to all Intents, as if the King or Queen had been actually alive at the Time of the committing thereof.

A. D. 1705.

All Acts of Government, civil and military, passed after the Death of the King, and before Proclamation of his Successour, valid; and all Offences against the Crown punishable.

IV. *PROVIDED always, and it is hereby declared*, that nothing in this Act contained shall extend, or be construed to extend, to alter or abridge the Power of the Governour, Lieutenant Governour, or Commander in Chief, or President and Council, of this Colony and Dominion for the Time being, here, to prorogue or dissolve this or any other General Assembly in this Dominion within the said six Months, or at any other Time; nor to limit the Governour, Lieutenant Governour, Commander in Chief, or President and Council, for the Time being, in the Execution of any Instructions he or they shall receive from the succeeding King or Queen of *England* relating to the Prorogation or Dissolution of Assemblies.

Provid.

C H A P. V.

An Act laying an Imposition upon Skins and Furs, for the better Support of the College of William and Mary in Virginia. (a)

I. *BE it enacted, by the Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the Authority of the same*, that there shall be satisfied and paid to her Majesty, her Heirs, and Successours, for and towards the better Support and Maintenance of the College of *William and Mary* in *Virginia* the following Duties, Customs, and Imposts, for the following Goods, Wares, and Merchandises, which shall be exported and carried out of this her Majesty's Dominion, either by Land or Water, that is to say:

Duties on Skins appropriated to the Maintenance of the College of *William and Mary*.

FOR every raw Hide threepence, for every tanned Hide sixpence, for every dressed Buckskin one Penny three Farthings, for every undressed Buckskin one Penny, for every Doeskin dressed one Penny Halfpenny, for every undressed Doeskin three Farthings, for every Pound of Beaver threepence, for every Otterskin twopence, for every wild Catskin one Penny Halfpenny, for every Minkskin one Penny, for every Foxskin one Penny Halfpenny, for every Dozen of Rackoonskins threepence; and so proportionably for a greater or lesser Quantity; for every Dozen of Muskratkins twopence, and so proportionably for a greater or lesser Quantity; and for every Elkskin fourpence Halfpenny.

What the Duties are.

(a) See 8. Geo. II. (1734) Cap. 2. Duty of Officers and Exporters.
18. Geo. II. (1744) Cap. 3. Increasing the Duties on Skins, &c.
32. Geo. II. (1759) Cap. 3. Rules for licensing Pedlars.
1. Geo. III. (1761) Cap. 6. Amending the last mentioned Act.
3. Geo. III. (1762) Cap. 7. Further amending the same.

A. D. 1705.

The Duties shall be paid to the Collectors appointed by Governour and Council, before the Goods are shipped off, by the Exporter, who shall take a Certificate from the Collectors, on Penalty of forfeiting the Goods shipped, &c.

II. *AND be it enacted*, that the said Duties, Customs, and Impost, shall be paid and satisfied by the Person or Persons exporting or carrying out of the same, either by Land or Water, to the Collector or Collectors which shall be appointed by the Governour or Commander in Chief for the Time being, with the Advice of the Council, to receive the said Duties, Customs, and Impost, before the said Goods, Wares, and Merchandises, shall be shipped off, exported, or carried out of and from this Dominion, either by Land or by Water, and a Certificate thereof obtained from the Collector or Collectors of the District where such Goods, Wares, and Merchandises, shall be so exported or carried away, signifying the Payment and Satisfaction of such Duties, Customs, and Impost, as aforesaid, under the Penalty of forfeiting such of the Goods, Wares, and Merchandises, which shall be shipped off, or loaden on Board any Boat, Sloop, Ship, or other Vessel, in Order to the Exportation thereof by Water, or endeavoured to be carried out of this Country by Land; the one Moiety thereof to her Majesty, her Heirs, and Successors, to and for the better Support of the Government and the contingent Charges thereof, the other Moiety to him or them that shall sue or prosecute for the same, in any Court of Record within this Colony; to be recovered, with Costs, by Action of Debt, Bill, Complaint, or Information, wherein no Essoin, Protection, or Wager of Law, shall be allowed.

Collectors shall account with the Governours of the College, and shall be allowed six per Cent.

III. *AND be it further enacted*, that the several Collectors or Officers appointed to collect and receive the said Duties, Customs, and Imposts, shall from Time to Time be accountable, and pay the same, to the Governours of the said College of *William and Mary*, or such other Person or Persons as shall be by them lawfully deputed; and that for the receiving and paying thereof the said Collector, or Collectors, shall be allowed six per Cent.

All former Laws relating to any Matter within this Act repealed.

IV. *AND be it further enacted*, that all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to any Matter or Thing whatsoever within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

CHAP VI.

An Act for the effectual Suppression of Vice, and Restraint and Punishment of blasphemous, wicked, and dissolute Persons. (a)

Punishment of Atheism, Deism, or Infidelity.

First Offence.

I. *BE it enacted*, by the Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted by the Authority of the same, that if any Person or Persons, brought up in the Christian Religion, shall by writing, printing, teaching, or advisedly speaking, deny the Being of a God, or the Holy Trinity, or shall assert or maintain there are more Gods than one, or shall deny the Christian Religion to be true, or the holy Scriptures of the Old and New Testament to be of divine Authority, and be thereof lawfully convicted, upon Indictment, or Information, in the General Court of this her Majesty's Colony and Dominion, such Person or Persons, for the first Offence, shall be adjudged incapable, or disabled in Law, to all Intents and Purposes whatsoever, to hold and enjoy any Office or Employment, ecclesiastical, civil, or military, or any Part in them, or any Profit or Advantage to them appertaining, or any of them; and if any Person or Persons so convicted as aforesaid shall, at any Time of his or their Conviction, enjoy or possess any Office, Place, or Employment,

(a) See 3 and 4. Geo. II. (1730) Cap. 2. this Act enforced.
18. Geo. II. (1744) Cap. 2. explained and amended.

such Office, Place, or Employment, shall be void, and is hereby declared void. And if such Person or Persons shall be a second Time lawfully convicted, as aforesaid, of all or any of the Crimes aforesaid, that then he, she, or they, shall from thenceforth be disabled to sue, prosecute, plead, or use any Action or Information in any Court of Law or Equity, or to be Guardian to any Child, or to be Executor or Administrator of any Person, or capable of any Deed of Gift or Legacy, or to bear any Office civil or military, for ever, within this her Majesty's Colony and Dominion; and shall also suffer, from the Time of such Conviction, three Years Imprisonment, without Bail or Mainprize.

A. D. 1705.

Second Offence.

II. *PROVIDED* always, and be it enacted by the Authority aforesaid, and it is hereby enacted, that no Person shall be prosecuted, by Virtue of this Act, for any Word spoken, unless Information, upon Oath, be given in of the Words, before one or more Justice or Justices of the Peace, within one Month after such Words spoken, and the Prosecution of such Offence be within twelve Months after such Information.

Information for Words within one Month, and Prosecution within twelve Months thereafter.

III. *PROVIDED* also, and be it enacted by the Authority aforesaid, and it is hereby enacted, that if any Person or Persons convicted the first Time of all or any of the aforesaid Crimes, in Manner aforesaid, shall, within the Space of six Months after his, her, or their Conviction, make his, her, or their publick Acknowledgement and Renunciation of such Offence, or erroneous Opinions, in the same Court where such Person or Persons was or were convicted, that then he, she, or they, shall be thence freed and discharged from all Penalties and Disabilities incurred by such Conviction, any Thing in this Act to the contrary in any Wise notwithstanding.

But Persons making publick Recantation, within six Months after their Conviction, discharged from the Penalties and Disabilities.

IV. *AND* be it further enacted, by the Authority aforesaid, and it is hereby enacted, that if any Person or Persons shall profanely swear or curse, or shall be drunk, he, she, or they, so offending, for every such Offence, being thereof convicted by the Oath of one or more Witnesses (which Oath any Justice of the Peace is hereby empowered and required to administer) or by Confession before one or more Justice or Justices of the Peace in the County where such Offence shall be committed, shall forfeit and pay the Sum of five Shillings, or fifty Pounds of Tobacco, for every such Offence; or if the Offence or Offences be committed in the Presence and Hearing of one or more Justice or Justices of the Peace, or in any Court of Record in this her Majesty's Colony and Dominion, the same shall be a sufficient Conviction, without any other Evidence; and the said Offender shall, upon such Conviction, forfeit and pay the Sum of five Shillings, or fifty Pounds of Tobacco, for every such Offence. And if any Person or Persons shall refuse to make present Payment, or give sufficient Caution for the Payment of the same, at the laying of the next Parish Levy after the said Offence committed, then the said Fines and Penalties shall be levied upon the Goods of such Person or Persons, by Warrant or Precept from any Justice of Peace before whom the same Conviction shall be; which Warrant may be directed to the Sheriff of the County, or to the Constable in his respective Precinct, to be appraised and valued, as in other Distresses; and if the Offender or Offenders be not able to pay the said Sum or Sums, then he, she, or they, shall have and receive ten Lashes upon his or her bare Back, well laid on, for every such Offence.

Punishment of profane Swearing, or Cursing, and of Drunkenness.

V. *PROVIDED* always, that every Prosecution, by Virtue of this Act, for swearing, cursing, or for being drunk, shall be made within two Months after the Offence committed, and not afterwards.

Prosecution in two Months.

VI. *AND* to the End that the Lord's Day, commonly called Sunday, may be kept holy,

A. D. 1705.

Punishment
of Persons not
coming to
Church once
a Month, and
duly attending
divine Service
there, except
Protestant Dis-
senters, or pre-
sent on a Sun-
day at any
gaming, tip-
pling, or disor-
derly Meeting,
or travelling on
the Road, or
working, ex-
cept in Cases of
Necessity.

Prosecution
in two Months.

VII. *BE it enacted, and it is hereby enacted by the Authority aforesaid, that if any Person, being of the Age of twenty one Years, or upwards, shall wilfully absent him or her self from divine Service at his or her Parish Church or Chapel, the Space of one Month (excepting as is excepted in an Act of Parliament passed in the first Year of King William and Queen Mary, entitled An Act for exempting their Majesty's Protestant Subjects dissenting from the Church of England from the Penalties of certain Laws) and shall not, when there, in a decent and orderly Manner continue until the said Service is ended; and if any Person shall on that Day be present at any disorderly Meeting, gaming, or tippling, or shall on the said Day make any Journey, and travel upon the Road, except to and from Church (Cases of Necessity and Charity excepted) or shall on the said Day be found working in their Corn or Tobacco, or any other Labour of their ordinary Calling, other than is necessary for the Sustenance of Man and Beast; every Person failing or making Default in any of the Premises, and being lawfully convicted, by Confession, or otherwise, before one or more Justice or Justices of the Peace of the County wherein such Offence shall be committed (so that Prosecution be made within two Months after such Default) shall forfeit and pay, for every such Offence, the Sum of five Shillings, or fifty Pounds of Tobacco. And if any Person or Persons herein offending shall refuse to make present Payment, or give sufficient Caution for the Payment of the Fine at the laying of the next Parish Levy after such Offence committed, each Party so offending, and not paying or giving Security as aforesaid, shall, by Order of such Justice or Justices before whom such Conviction shall be, receive on his or her bare Back ten Lashes, well laid on.*

Punishment
of Adultery, or
Fornication.

VIII. *And be it also further enacted, by the Authority aforesaid, and it is hereby enacted, that every Person, not being Servant or Slave, committing Adultery or Fornication, and being thereof lawfully convicted, by the Oaths of two or more credible Witnesses, or Confession of the Party, shall for every Offence of Adultery forfeit and pay one thousand Pounds of Tobacco and Cash, and for every Offence of Fornication five hundred Pounds of Tobacco and Cash; to be recovered by the Suit or Prosecution of the Church-Warden or Church-Wardens of the Parish wherein such Offence shall be committed, by Bill, Plaint, or Information, in any Court of Record within this her Majesty's Colony and Dominion, wherein no Essoin, Protection, or Wager of Law, shall be allowed. And if any Person or Persons offending herein shall refuse to make present Payment, or give sufficient Caution for the Payment of the Fine at the laying of the next Parish Levy after such Conviction, each Party so offending, and not paying or giving Security as aforesaid, shall receive on his or her bare Back, at the publick Whipping Post, twenty five Lashes, well laid on.*

Fines appro-
priated,

and to be di-
stributed to the
Poor.

IX. *AND be it enacted, by the Authority aforesaid, and it is hereby enacted and declared, that all the Fines and Forfeitures in this Act mentioned shall be paid to the Church-Wardens of that Parish wherein the Offence shall be committed, who shall be accountable for the same to the Vestry, for the Use of the Poor of the Parish; which said Vestry shall annually, on Easter Tuesday, if fair (if not, the next fair Day) at the Parish Church, distribute the said Fines and Forfeitures, according to their Discretion, among the Poor of their Parish.*

This Act
shall be read in
Churches twice
a Year.

Penalty on
Failure.

X. *AND be it further enacted, by the Authority aforesaid, that this Act shall be publicly read two several Times in the Year, in all Parish Churches and Chapels within this Colony, by the Minister, Clerk, or Reader, of each Parish, immediately after divine Service; that is to say, on the first or second Sunday in April, and on the first or second Sunday in September, under the Penalty of twenty Shillings for every such Omission and Neglect. And the Church-Wardens of every Parish are hereby required to provide a Copy of this Act, at the Charge of the Parish.*

A. D. 1705.

XI. *PROVIDED* always, that nothing therein contained shall be construed to exempt any Clergyman within this Colony, who shall be guilty of any of the Crimes herein before-mentioned, from such further Punishment as might have been inflicted on him for the same before the making of this Act, any Thing herein contained to the contrary notwithstanding.

Clergymen
convict by this
Act not ex-
empted from
further Punish-
ments.

XII. *AND* be it further enacted, that all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to the Suppression of Vice, or Restraint and Punishment of blasphemous, wicked, and dissolute Persons, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

Repeal of
former Acts.

CHAP. VII.

An Act for the Distribution of Intestates Estates, declaring Widows Rights to their deceased Husbands Estates, and for securing Orphans Estates. (a)

I. **F**OR the more equal Distribution of the Estates of Persons dying intestate,

II. *BE* it enacted, by the Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted by the Authority of the same, that after Debts, Funerals, and just Expenses of every Sort, first paid and allowed, the Surplusage of all and singular the Goods, Chattels, and personal Estate, of every Person dying intestate, shall be distributed amongst the Wife and Children, or Childrens Children (if any such be) or otherwise to the next of Kin to the dead Person in equal Degree, or legally representing their Stocks, *pro suo cuique jure*, according to the Laws in such Cases, and the Rules and Limitations herein after set down, that is to say: One third Part of the said Surplusage to the Wife of the Intestate, and all the Residue, by equal Portions, to and amongst the Children of such Persons dying intestate, and such Persons as legally represent such Children, in Case any of the said Children be then dead, other than such Child or Children (not being Heir at Law) who shall have any Estate by the Settlement of the Intestate, or shall be advanced by the Intestate, in his Lifetime, by Portion or Portions, equal to the Share which shall, by such Distribution, be allotted to the other Children to whom such Distribution is to be made. And in Case any Child (other than the Heir at Law) shall have any Estate by Settlement from the Intestate, or shall be advanced by the said Intestate in his Lifetime, by Portion, not equal to the Share which will be due to the other Children, by such Distribution as aforesaid, then so much of the Surplusage of the Estate of such Intestate to be distributed to such Child or Children as shall have any Lands by Settlement from the Intestate, or were advanced in the Lifetime of the Intestate, as shall make the Estate of all the said Children to be equal, as near as can be estimated; but the Heir at Law, notwithstanding any Land he shall have by Descent, or otherwise, from the Intestate, is to have an equal Part in the Distribution with the Rest of the Children, without any Consideration of the Value of the Land which he hath by Descent, or otherwise, from the Intestate. And if after the Death of a Father any of his Children shall die intestate, without Wife or Children, in the Lifetime of the Mother, every Brother and Sister, and

Estates of
Persons dying
intestate shall
be distributed
to the Wife and
Children, or
Kindred of the
deceased, viz.
one third Part
to the Wife, and
the Residue to
the Children, or
their legal Re-
presentatives,
in equal Pro-
portions,
except such
Children (other
than the Heir)
who have had
Settlements, or
received Por-
tions in the
Lifetime of the
Intestate; but
if such Portion
be not equal to
the Share aris-
ing by the Dis-
tribution to the
other Children,
the Residue
shall be paid out
of the Estate.

The Heir,
besides the
Land, shall
have an equal
Share of all
other Estate.

Method for
dividing Estates
of Children

(a) See 4 Ann. (1705) Cap. 3. Sect. 10. how Slaves to be disposed of.

1 Geo. 2. (1727) Cap. 4. Sect. 8. where Mothers die intestate leaving Slaves, and Sect. 21. how Widows may renounce.

22 Geo. 2. (1748) Cap. 3. concerning Administration of Intestates Estates.

A. D. 1705.
 dying intestate
 after the Father,
 and during the
 Lifetime of the
 Mother.

the Representatives of them, shall have an equal Share with her; and if all the Children shall die intestate, without Wife or Children, in the Lifetime of the Mother, then the Portion of the Child so dying last shall be equally divided, one Moiety to the Mother, and the other Moiety to the next of Kindred by the Father; and if there be no such Kindred by the Father, then the Whole shall be to the Mother; any Law, Custom, or Usage, to the contrary notwithstanding.

AND in Case there be no Children, nor any legal Representatives of them, then one Moiety of the said Surplusage to be allotted to the Wife of the Intestate, and the other Moiety to be distributed equally to every of the next of Kindred to the Intestate who are in equal Degree, and those who legally represent them; and if there be no such Kindred, then all the said Surplusage to be to the Wife.

No collateral
 Representatives
 after Brothers
 and Sisters
 Children.

If no Wife,
 all the Estate to
 be equally di-
 vided among
 the Children,
 &c.

III. *PROVIDED*, that there be no Representations admitted amongst Collaterals, after Brothers and Sisters Children; and in Case there be no Wife, then all the said Surplusage to be distributed equally to and amongst the Children; and in Case there be no Child, then to the next of Kindred in equal Degree of or unto the Intestate, and their legal Representatives, as aforesaid, and in no other Manner whatsoever.

Persons dying
 testate, and only
 leaving two
 Children, shall
 not bequeath
 less than one
 third of their
 Estates to the
 Wife.

If above two
 Children, a
 Child's Part;
 but if no Child,
 she shall have a
 Moiety.
 Wills other-
 wise made shall,
 upon Petition of
 the Wife, as to
 her Part of the
 Estate, be set
 aside.

IV. *PROVIDED also*, that when any Person dies testate, if he leaves one or two Children, and no more, he shall not have Power to dispose of more than two third Parts of his Estate by Will to any other Person or Persons than his Wife, and one third Part thereof at the least shall be given to her. And if such Person shall leave more than two Children, he shall not leave his Wife less than a Child's Part, according to the Number of Children; but if such Person leaves no Child, then the Wife shall have at least one equal Moiety of his Estate. And if any Person shall leave a Will, wherein a lesser Part of his Estate shall be given to his Wife than is herein directed, such Will, as to so much thereof as relates to the Wife, upon her Petition to the Court where the same shall be proved, shall be declared null and void; and thereupon she shall and may be empowered to sue for and recover such Part of her deceased Husband's Estate as is herein before directed to be given her.

Executors of
 a Wife dying
 before Distribu-
 tion shall only
 recover what is
 given her by
 Will;

V. *PROVIDED always*, that if such Wife shall die before Distribution of her deceased Husband's Estate shall be made, according to this Act, then in such Case her Executors and Administrators shall be empowered to sue for and recover so much of the said Estate as shall be given to her by Will, and no more, any Thing herein before to the contrary notwithstanding.

and if the Wi-
 dow of an In-
 testate dies be-
 fore Appraisem-
 ent her Right
 shall be deter-
 mined.

VI. *PROVIDED also*, that if the Widow of any Person dying intestate shall depart this Life before the Estate of her deceased Husband shall be appraised, then the Right of such Widow to her said Husband's Estate, or any Part thereof, shall be determined; neither shall her Executors, or Administrators, have Power to commence or prosecute any Suit for Recovery thereof.

Estates shall
 not be distri-
 buted until nine
 Months after
 the Intestate's
 Death, and Se-
 curity shall then
 be given in
 Court for in-
 demnifying the
 Administrator
 from Reco-
 veries of Credi-
 tors, &c.

VII. *PROVIDED also, and be it enacted by the Authority aforesaid*, to the End that a due Regard be had to Creditors, that no such Distribution as aforesaid of the Goods of any Person dying intestate be made till after nine Months be fully expired after the Intestate's Death; and that such, and every one to whom any Distribution and Share shall be allotted, shall give Bond, with sufficient Sureties, in the Court where such Distribution shall be made, that if any Debt or Debts, truly owing by the Intestate, shall be afterwards sued for and recovered, or otherwise duly made to appear, that then, and in every such Case, he or she shall respectively refund and pay back to the Administrator his or her rateable Part of that Debt or Debts, and of the Costs of Suit and Charges of the Administrator by Reason of such Debt, out of the Part and Share so as aforesaid allotted to him or her, thereby to enable the said Administrator to

pay and satisfy the said Debt or Debts so discovered after the Distribution made as aforesaid. A. D. 1798.

VIII. *AND be it further enacted*, that the Widow of any Person dying intestate shall be endowed of one full and equal third Part of all her deceased Husband's Lands, Tenements, and other real Estate, in Manner as is directed and prescribed by the Laws and Constitutions of the Kingdom of *England*; and till such Dower shall be assigned it shall be lawful for her to remain and continue in the Mansion House, and the Messuage or Plantation thereto belonging, without being chargeable to pay the Heir any Rent for the same, any Law, Custom, or Usage, to the contrary, in any Wife notwithstanding.

Widows of Intestates entitled to Dower, and may remain in the Mansion House and Plantation, until Dower be assigned, &c.

IX. *PROVIDED always*, that if any Widow shall have such a Jointure settled on her, in the Lifetime of her Husband, as by Law doth bar her of her Dower, she shall not hold Possession of any Houses or Messuages of her said deceased Husband other than what shall be so settled on her.

But Widows barred of Dower, by a Jointure, &c. shall not hold any other Messuage, &c.

X. *AND* if it shall so happen that any Person dies, leaving an Estate of so small Value that no one will take Administration thereupon,

XI. *BE it enacted*, that in such Case it shall be lawful for the Court, at the Expiration of three Months next after such Person's Decease, to empower and direct the Sheriff of the County to take the said Estate into his Possession, and make Sale thereof by Way of Outcry; and the Buyers of such Estate shall give Obligations, with Security, for the Payment of what shall be due from them to the said Estate: Which Obligations shall be made payable to the Sheriff, and shall by him be assigned to such Creditors of the deceased, or to such other Persons as the Court shall direct, always regarding the Dignity of the Debts; and for his Trouble herein sustained the Sheriff shall be paid out of such Estate after the Rate of five Pounds per Cent. of the Value for which it shall be sold.

Where no Person will administer on an Estate, Courts may appoint the Sheriff to take Possession.

His Duty, and Fees.

XII. *AND* for the better securing the Estates of all Persons deceased, and of all Orphans Estates,

XIII. *BE it enacted, and declared*, that when any Person shall be chargeable as Executor or Administrator, or otherwise, with the Estate of any Person deceased, or with any Orphan's Estate, and shall die so chargeable, the Estate of such Person so dying shall be liable to pay and satisfy such other deceased Person's or Orphan's Estate before any other Debt whatsoever; any Law, Custom, or Usage, to the contrary hereof, in any Wife notwithstanding.

Estates of Executors, Administrators, and Persons chargeable with Orphans Estates, liable for such Estates before any other Debt.

XIV. *AND be it further enacted*, (a) that every County Court shall take good Security of all Guardians for the Estates of the Orphans committed to their Charge, and that they shall yearly inquire into such Securities, and if any of them become defective or insufficient shall cause new Securities to be given; and if it shall appear that the said Estates are likely to be embezzled, or that the Orphans are not taken Care of and educated according to their Estates, then the said Court shall have Power to remove the said Orphans (not being of Age to choose their Guardians) and their Estates, and to place them under the Care of such other Persons as to them shall seem most proper; always taking good Securities for the said Orphans Estate, that when the same shall become payable to the said Orphans they shall be paid without making any Abatement or Allowance (other than of the Profits of the said Estates) for Diet, Clothing, or any other Matter whatsoever. And if the Estate of any Orphan be of so small a Value that no Person will maintain him for the Profits thereof, then such Orphan shall, by Direction of the Court, be bound Apprentice to some Handicraft Trade, or Mariner, until

Method for securing Orphans Estates. County Courts shall take Security of Guardians, and annually examine into such Security; and if defective, or the Orphans are misused, their Education neglected, or Estates embezzled, may remove the Orphans and Estates.

(a) By 22 Geo. 2. (1748) Cap. 2. this provided for,

A. D. 1705.

And may bind poor Orphans Apprentices until 21 Years of Age.

Masters of Orphan Apprentices shall teach them to read and write, and give them the Allowance prescribed by Law for other Servants. Courts may remove Apprentices misused or neglected.

he shall attain to the Age of one and twenty Years; and the Master of every such Orphan shall be obliged to teach him to read and write, and at the Expiration of his Servitude to pay and allow him in like Manner as is appointed for Servants by Indenture or Custom: And if it shall appear that any such Apprentice be ill used by his Master, or that he fails to teach him his Trade, the Court shall have Power to remove him, and to bind him to such other Person as to them shall seem most proper.

Judices of any Court granting Administration or Guardianship of an Orphan's Estate, and failing to take good Security, liable for such Estate.

XV. *AND be it further enacted, and declared*, that if any County Court shall grant an Administration upon the Estate of any Person deceased, or shall commit an Orphan's Estate to the Charge of any Person, and shall fail to take good Security for the same, in such Manner as the Law directs, in every such Case the Justices that shall grant such Administration, or commit such Orphan's Estate as aforesaid, and every of them, shall be chargeable for all such Loss and Damage as shall accrue by Reason of such Failure; to be recovered by Action at the common Law, at the Suit of the Party grieved.

Securities apprehending themselves in Danger may petition for Relief.

XVI. *PROVIDED always, and be it further enacted*, that when any Party being Security in any Court for any Decedent's Estate, or for the Estate of any Orphan, shall think himself in Danger of suffering, by Reason of being such Security, and shall petition the said Court for Relief, either by counter Security, or otherwise, then it shall and may be lawful for the said Court to summon the Party with whom such Security was given, and to make such Order and Decree therein as to them shall seem consistent with Equity and good Conscience, for the Relief and indemnifying of such Party so petitioning as aforesaid.

County Courts may regulate Funeral Expenses.

XVII. *AND be it further enacted*, that the County Court shall have Power, by their Discretion, to regulate the Funeral Expenses of any Person deceased, and to make Allowance for the same according to his Estate.

All former Laws relating to any Matter within this Act repealed.

XVIII. *AND be it further enacted*, that all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to any Matter or Thing whatsoever within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

C H A P. VIII.

An Act for Limitation of Actions, and avoiding of Suits. (a)

Limitation of Actions, except Accounts between Merchants, &c.

Case, Account, Trespass, Debt, Detinue, Replevin, and *quare clausum fregit*, shall be brought within five Years after Cause of Action accrued.

Affault, Battery, Wounding, and Imprisonment, in three Years.

I. **F**OR avoiding of Lawsuits, *BE it enacted, by the Governour, Council, and Burgeſſes, of this preſent General Aſſembly, and it is hereby enacted by the Authority of the ſame*, that all Actions of Treſpaſs, *quare clauſum fregit*, all Actions of Treſpaſs, Detinue, Action ſur Trover, and Replevin, for taking away of Goods and Cattle, all Actions of Account, and upon the Caſe, other than ſuch Accounts as concern the Trade of Merchandiſe between Merchant and Merchant, their Factors, or Servants, all Actions of Debt grounded upon any Lending or Contract without Specialty, all Actions of Debt for Arrearages of Rent, all Actions of Affault, Menace, Battery, Wounding, and Imprisonment, or any of them, which ſhall be ſued, or brought, at any Time after the End of this preſent Seſſion of Aſſembly, ſhall be commenced and ſued within the Time and Limitation hereafter expreſſed, and not after, that is to ſay: The ſaid Actions upon the Caſe, other than for Slander, and the ſaid Actions for Account, and the

(a) See 21 Geo. 2. (1748) Cap. 1. Sect. 18 and 20, for Limitation in Writs of Formedon, &c.

faid Actions for Trespafs, Debt, Detinue, and Replevin, for Goods and Cattle, and the faid Action of Trespafs, *quare clausum fregit*, within two Years next after the End of this present Session of Assembly, or within five Years next after the Cause of such Actions or Suit, and not after; and the faid Actions of Trespafs, of Assault, Battery, Wounding, Imprisonment, or any of them, within one Year next after the End of this present Session of Assembly, or within three Years next after the Cause of such Actions or Suit, and not after; and the faid Action upon the Case for Words within one Year after the End of this present Session of Assembly, or within one Year next after the Words spoken, and not after.

A. D. 1705.

Slander, in one Year after the Words spoken.

II. *PROVIDED* nevertheless, and be it enacted, that if in any of the faid Actions or Suits Judgment be given for the Plaintiff, and the same be afterwards reversed by Errour, or a Verdict pass for the Plaintiff, and upon Matter alleged in Arrest of Judgment the Judgment be given against the Plaintiff, that he take nothing by his Plaint, Writ, or Bill; or if any of the faid Actions shall be brought by Original, and the Defendant therein be outlawed, and shall after reverse the Outlawry; that in all such Cases the Party Plaintiff, his Heirs, Executors, or Administrators, as the Case shall require, may commence a new Action or Suit, from Time to Time, within one Year after such Judgment reversed, or such Judgment given against the Plaintiff or Outlawry reversed, and not after.

Proviso. If a Judgment given for the Plaintiff be reversed by Writ of Errour or Appeal, or if the Defendant be outlawed, and reverse the Outlawry, Plaintiff may recommence his Action within one Year.

III. *AND* be it further enacted, that in all Actions of Trespafs, *quare clausum fregit*, hereafter to be brought, wherein the Defendant or Defendants shall disclaim, in his or their Plea, to make any Title or Claim to the Land in which the Trespafs is by the Declaration supposed to be done, and the Trespafs be by Negligence, or involuntary, the Defendant or Defendants shall be admitted to plead a Disclaimer, and that the Trespafs was by Negligence, or involuntary, and a Tender or Offer of sufficient Amends for such Trespafs, before the Action brought, whereupon, or upon some of them, the Plaintiff or Plaintiffs shall be enforced to join Issue; and if the said Issue be found for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall be nonsuited, the Plaintiff or Plaintiffs shall be clearly barred from the said Action or Actions, and all other Suit concerning the same.

In Actions of Trespafs, *quare clausum fregit*, where the Defendant pleads a Disclaimer and involuntary Trespafs, with Tender of Amends before Action brought, Plaintiff shall join Issue; and if that be found for the Defendant, or the Plaintiff be nonsuited, he shall be barred, &c.

IV. *AND* be it further enacted, by the Authority aforesaid, that in all Actions upon the Case, for slanderous Words, to be sued or prosecuted by any Person or Persons in the General Court of this Dominion, or in any Court whatsoever that hath Power to hold Plea of the same, after the End of this present Session of Assembly, if the Jury, upon the Trial of the Issue in such Action, or the Jury that shall inquire of the Damages, do find or assess the Damages under forty Shillings, then the Plaintiff or Plaintiffs in such Action shall have and recover only so much Costs as the Damages so given or assessed amount unto, without any further Increase of the same; any Law, Statute, Custom, or Usage, to the contrary, in any Wise notwithstanding.

Altered by 22 Geo. 2. (1748) Cap. 5. Sect. 2.

V. *PROVIDED* nevertheless, and be it further enacted, that if any Person or Persons that is or shall be entitled to any such Action of Trespafs, Detinue, Action sur Trover, Replevin, Actions of Account, Actions of Debt, Actions of Trespafs for Assault, Menace, Battery, Wounding, or Imprisonment, be, or shall be, at the Time of any such Cause of Action given or accrued, fallen or come, within the Age of twenty one Years, Feme Covert, *non compos mentis*, imprisoned, beyond the Seas, or out of the Country, that then such Person or Persons shall be at Liberty to bring the same Actions, so as they take the same within such Times as are before limited after their coming to or being of full Age, Discover, of sane Memory, at large, and returned from beyond the Seas, or from without this Country, as by other Persons, having no such Impediment, should be done.

Persons, at the Time of Action accrued, being within Age, Feme Covert, *non compos mentis*, imprisoned, or out of the Country, may bring Suit within the Time limited, after such Impediments removed.

A. D. 1705.

Defendant
concealing him-
self, or run-
ning out of the
Country, or
County, shall
have no Benefit
by this Act.

VI. *PROVIDED* also, and be it further enacted, that if any Person or Persons, Defendant or Defendants to any of the aforesaid Actions, shall abscond or conceal themselves, or by Removal out of the Country, or the County where he or they do or shall reside, when such Cause of Action accrued, or by any other indirect Ways or Means, defeat or obstruct any Person or Persons, who have Title thereto, from bringing and maintaining all or any of the aforesaid Actions within the respective Times limited by this Act, that then, and in such Case, such Defendant or Defendants are not to be admitted to plead this Act in Bar to any of the aforesaid Actions, any Thing in this Law in any Wise to the contrary notwithstanding.

C H A P. IX.

An Act continuing the Act directing the building the Capitol and the City of Williamsburg, with Additions. (a)

Preamble.

I. **W**HEREAS by an Act made at a General Assembly, begun at *James City* the twenty seventh Day of *April*, and in the eleventh Year of his late Majesty's Reign, intituled *An Act directing the building the Capitol and the City of Williamsburg*, it is enacted that whereas the State-House where the General Assemblies and General Courts for this his Majesty's Colony and Dominion of *Virginia* were kept and held hath been unhappily burnt down, and it being of absolute Necessity that another Building be erected, with all the Expedition possible, for the convenient sitting and holding of the General Assemblies and Courts, at a healthy, proper, and commodious Place, suitable for the Reception of a considerable Number and Concourse of People, that of Necessity must resort to the Place where the General Assemblies will be convened, and where the Council and supreme Court of Justice for this his Majesty's Colony and Dominion will be held and kept:

AND forasmuch as the Place commonly called and known by the Name of the *Middle Plantation* hath been found, by constant Experience, to be healthy, and agreeable to the Constitutions of the Inhabitants of this his Majesty's Colony and Dominion, having the natural Advantage of a serene and temperate Air, dry and champaign Land, and plentifully stored with wholesome Springs, and the Conveniency of two navigable and pleasant Creeks, that run out of *James* and *York* Rivers, necessary for the supplying the Place with Provisions and other Things of Necessity:

475 Feet
square appro-
priated for a
Building.

II. *BE it therefore enacted, by the Governour, Council, and Burgeses, of this present General Assembly, and the Authority thereof, and it is hereby enacted, that four hundred seventy five Feet square of Land, lying and being at the said Middle Plantation, which hath been already agreed upon by his Excellency the Governour, Council, and Burgeses, of this present General Assembly, to be taken up and surveyed, as a convenient Place for such Uses, be the Ground appropriated to the only and sole Use of a Building for the General Assemblies and Courts to be held and kept in; and that the said Building shall for ever hereafter be called*

* See 9 Geo. 1. (1723) Cap. 1. to enlarge the Jurisdiction of the Court of Hustings.

8 Geo. 2. (1734) Cap. 3. *York* and *James City* Justices to levy Tobacco for certain Officers.

10 Geo. 2. (1736) Cap. 6. Sect. 3. Jurisdiction of the Hustings enlarged.

15 Geo. 2. (1742) Cap. 2. Charter explained.

18 Geo. 2. (1744) Cap. 4.

30 Geo. 2. (1757) Cap. 1. Sect. 3. Aldermen exempted from Musters, and Sect. 24. Militia not to muster in the County.

30 Geo. 2. (1757) Cap. 6. Sect. 1. for holding a Market.

4 Geo. 3. (1764) Cap. 2. empowering the Common Hall to tax the Inhabitants for certain Purposes.

and known by the Name of the CAPITOL of this his Majesty's Colony and Dominion of *Virginia*, and that the Space of two hundred Feet of Ground, every Way from the said Capitol, shall not be built upon, planted, or occupied, for ever, but shall be wholly and solely appropriated and kept for the said Use, and to no other Use or Purpose whatsoever.

A. D. 1705.
Named The
CAPITOL.
200 Feet
round the same,
not to be built
upon, or oc-
cupied.

III. *AND* be it further enacted, by the Authority aforesaid, and it is hereby enacted, that the said Capitol shall be erected and built in Manner and Form according to the Rules and Dimensions following, viz. That the said Building shall be made in this Form and Figure, H; that the Foundation of the said Building shall be four Bricks thick, up to or near the Surface of the Ground; and that the Walls of the said Building from thence shall be three Bricks and a Half thick to the Water Table, and from the Water Table to the Top of the first Story three Bricks thick, and from thence to the Top of the second Story two Bricks and a Half thick; the Length of each Side or Part of which Building shall be seventy five Feet from Inside to Inside, the Breadth thereof twenty five Feet from Inside to Inside; and the first Story of each Part or Side shall be fifteen Feet Pitch, one End of each Side or Part of which shall be semicircular, and the lower Rooms at the said End fifty Feet long, and shall be parted by a Wall from the rest of the Building on each Side or Part; which other Part shall be divided into four Divisions, whereof one to be for a large and handsome Staircase: That the Middle of the Front, on each Side of the said Building, shall have a circular Porch, with an Iron Balcony upon the first Floor over it, and great folding Gates to each Porch of six Feet Breadth both; and that four Galleries shall be in the Room below, that shall be called the General Court-House; the upper Story of each Side to be ten Feet Pitch, and be divided as shall be directed by the Committee appointed to revise the Laws; That the two Parts of the Building shall be joined by a cross Gallery of thirty Feet long, and fifteen Feet wide each Way, according to the Figure herein before specified, raised upon Piazzas, and built as high as the other Parts of the Building; and in the Middle thereof a Cupola, to surmount the rest of the Building, which shall have a Clock placed in it, and on the Top of the said Cupola shall be put a Flag upon Occasion: That the Windows to each Story of the Building shall be Sash Windows, and that the Roof shall be a Hip Roof with Dormant Windows, and shall be well shingled with Cypress Shingles, and that the great Room below of each Building shall be laid with Flag Stones; one Part or Side of which Building shall be and is hereby appropriated to the Use of the General Court and Council, for the holding and keeping of the said General Court and Council therein, and the several Offices thereto belonging; and the other Part or Side of the said Building shall be and is hereby appropriated to the Use of the House of Burgesses, and the Officers thereof, and to no other Use or Uses whatsoever.

The Form
and Dimensions
of the Building.

One Part ap-
propriated to
the Use of the
General Court
and Council,
the other to the
Use of the
House of Bur-
gesses.

IV. *AND* be it further enacted, by the Authority aforesaid, and it is hereby enacted, that the Committee appointed for the Revival of the Laws are hereby empowered and required, from Time to Time, to inspect and oversee the said Building until it shall be finished, and to covenant and agree with such and so many Undertakers or Overseers of the said Building as they shall think fit, and to give such necessary Orders and Directions therein, from Time to Time, as they shall see Cause, for the carrying on, Furtherance, and finishing, of the said Work, according to the aforesaid Rules and Dimensions; and that the said Committee be likewise empowered, by Virtue of this Act, on the publick Account and Risk, to send for out of *England* Iron Work, Glass, Paint, Stone, and all other Materials as they shall think necessary for and towards the carrying on and finishing the said Building.

A Committee
appointed to
inspect the
Building, and
to contract with
Undertakers.

And to send
for Materials
from *England*.

V. *AND* be it further enacted, by the Authority aforesaid, and it is hereby enacted, that the said Committee, as often as they shall have Occasion for Money for the Uses aforesaid, shall from Time to Time apply themselves to the

And to re-
ceive of the
Treasurer
2000*l.* Sterling.

A. D. 1705. Governour, or Commander in Chief for the Time being, to issue out his Warrant to the Treasurer of this his Majesty's Colony and Dominion, requiring him to pay so much Money as they shall have Occasion for, not exceeding the Sum of two Thousand Pounds Sterling, who is hereby empowered and required to deliver and pay the same to the said Committee upon such Warrant; which said Sum or Sums the said Committee shall account for to the next Meeting of the Assembly, and also make Report of their Proceedings in the building of the said Capitol.

And to account and make Report to the next Session.

The Necessity of a Town near the Capitol,

And its Convenience to the College of William and Mary.

VI. AND forasmuch as the General Assemblies, and General Courts, of this his Majesty's Colony and Dominion, cannot possibly be held and kept at the said Capitol unless a good Town be built and settled adjacent to the said Capitol, suitable for the Accommodation and Entertainment of a considerable Number of Persons that of Necessity must resort thither; and whereas, in all Probability, it will prove highly advantageous and beneficial to his Majesty's Royal College of *William and Mary* to have the Conveniences of a Town near the same:

283 Acres of Land appropriated for a City.

VII. *BE it therefore enacted, by the Authority aforesaid, and it is hereby enacted*, that two hundred eighty three Acres, thirty five Poles and a Half, of Land, situate, lying, and being, at the *Middle Plantation*, in *James City* and *York Counties*, bounded according to a Draught, Plot, or Survey, made by Order of the Governour, Council, and Burgesses, of this present General Assembly, and now lying in the Assembly Office of this his Majesty's Colony and Dominion, shall be and is hereby reserved and appropriated for the only and sole Use of a City to be there built and erected, and to no other Use, Intent, or Purpose, whatsoever.

220 Acres set apart for Buildings.

The City to be called *Williamsburg*.

Queen's Road.

Queen Mary's Port.

Princess's Road.

Princess Anne Port.

VIII. *AND be it further enacted, by the Authority aforesaid, and it is hereby enacted*, that two hundred and twenty Acres of the said Land, according to the Bounds of the aforesaid Draught or Plot, shall be and is hereby appointed and set apart for Ground on which the said City shall be built and erected, according to the Form and Manner laid down in the said Draught or Plot; which said City, in Honour of our Most Gracious and Glorious King *William*, shall be for ever hereafter called and known by the Name of the City of *Williamsburg*: And fifteen Acres, forty four Poles and a Quarter, of Land, according to the aforesaid Draught or Plot, shall be and is hereby appointed and set apart for a Road or Way from the said City to the Creek commonly called or known by the Name of *Queen's Creek*, running into *York River*: And fourteen Acres, seventy one Poles and a Quarter, of Land, according to the aforesaid Draught or Plot, lying on the said *Queen's Creek*, shall be and is hereby appointed and set apart for a Port, or Landing Place, for the said City of *Williamsburg*, on the said Creek; which said Port or Landing Place, in Commemoration of the late *Queen Mary*, of blessed Memory, shall for ever hereafter be called and known by the Name of *Queen Mary's Port*, and the afore-mentioned Road or Way leading thereto shall be called *Queen's Road*: And ten Acres, forty two Poles and a Half, of Land, according to the aforesaid Draught or Plot, shall be and is hereby appointed and set apart for a Road or Way from the said City of *Williamsburg* to the Creek commonly called and known by the Name of *Archer's Hope Creek*, running into *James River*; which said Creek shall for ever hereafter be called and known by the Name of *Princess's Creek*: And twenty three Acres, thirty seven Poles and a Half, of Land, according to the aforesaid Draught or Plot, lying upon the said *Princess's Creek*, shall be and is hereby appointed and set apart for a Port, or Landing Place, for the said City of *Williamsburg*, on the said Creek; which said Port, or Landing Place, in Honour of her Royal Highness the *Princess Anne of Denmark*, shall be called and known by the Name of *Princess Anne Port* for ever hereafter, and the afore-mentioned Road or Way leading thereto shall be called *Princess's Road*.

A. D. 1705.

IX. *AND* be it further enacted, by the Authority aforesaid, and it is hereby enacted, that the Ground or Land by Virtue of this Act set apart for the Use of the said City of *Williamsburg* shall be laid out and proportioned into Half Acres, every of which Half Acres shall be a distinct Lot of Ground, to be built upon in Manner and Form as is hereafter expressed, that is to say: That whosoever shall build in the main Street of the said City of *Williamsburg*, as laid out in the aforesaid Draught or Plot, shall not build a House less than ten Feet Pitch, and the Front of each House shall come within six Feet of the Street, and not nearer, and that the Houses in the several Lots in the said main Street shall front alike; which said Street, in Honour of his Highness *William Duke of Gloucester*, shall for ever hereafter be called and known by the Name of *Duke of Gloucester Street*: And that the other Streets or Lanes shall be built in such Manner, and according to such Rules and Orders, as shall be given and made by the Directors by Virtue of this Act hereafter appointed, or by the Incorporation of the Mayor, Aldermen, and Commonalty, of the City of *Williamsburg*.

The 220 Acres to be laid out in Lots of Half an Acre each.

Every Lot to be built upon. Directions for the Streets and Buildings.

X. *AND* to the End reasonable Satisfaction may be paid, allowed, and given, for all such Land and Ground as by Virtue of this Act is taken up and appropriated to the Uses aforesaid,

For Satisfaction to be made to the Proprietors of the Lands,

XI. *BE* it enacted, by the Authority aforesaid, and it is hereby enacted, that his Excellency the Governour, or the Governour or Commander in Chief for the Time being, is hereby empowered and desired to issue out his Warrants to the several Sheriffs of *James City, York*, and *New Kent* Counties, commanding them respectively to empanel four of the most able and discreet Freeholders in each of their Bailiwicks, no Ways concerned in Interest in the said Land, or any Ways related to the Owners or Proprietors thereof, to meet at such Time as he shall think fit, who shall be sworn by such Person or Persons as he shall appoint, and shall upon their Oaths value and appraise the said Land or Ground, in so many several and distinct Parts and Parcels as shall be owned and claimed therein by several and distinct Owners, Proprietors, and Claimers thereof, and after such Valuation and Appraisement so made the said Jury shall forthwith return the same, under their Hands and Seals, to the Secretary's Office of this his Majesty's Colony and Dominion; and after such Valuation and Return made as aforesaid the Feoffees or Trustees by Virtue of this Act hereafter appointed shall enter, and immediately upon such Entry made the said Feoffees or Trustees, and every of them, shall be vested with, and seized of and in, a pure, absolute, perfect, and indefeasible Estate of Inheritance in Fee, in Trust, to and for the Intents, Uses, and Purposes, hereafter mentioned, and shall be binding and effectual in Law (without further or other Act or Acts) to all Intents and Purposes, against all and every the said Owners, Claimers, or Proprietors (whether they be capable of consenting thereto, or disabled by Nonage, Coverture, Entail, or other Impediments) and all and every their Heirs, Executors, Administrators, and Assigns, for ever, or any Claimer or Pretender thereto.

The Governour to issue Warrants to the Sheriffs to empanel a Jury of 12 Freeholders.

The Jury to value the Lands of the respective Proprietors,

And to return such Valuation to the Secretary's Office.

After such Valuation and Return the Lands vested in Trustees, who shall enter, and thereupon stand seized of an Estate in Fee, in Trust.

Entry of the Trustees declared good in Law against the Proprietors, &c. whether consenting or disabled by Nonage, Coverture, &c.

XII. *PROVIDED* always, and be it further enacted, by the Authority aforesaid, and it is hereby enacted, that the said Jury, in the said Valuation, shall have due Regard to the respective Interests and Estates in the same, and shall make a Valuation and Estimation thereof accordingly.

Proviso. The Jury to have Regard to the respective Interests and Estates in the Lands.

XIII. *AND* be it further enacted, by the Authority aforesaid, and it is hereby enacted, that *Lewis Burwell, Philip Ludwell, Junior, Benjamin Harrison, Junior, James Whaley, Hugh Norwell*, and *Mongo Ingles*, Gentlemen, shall be and are hereby nominated and appointed Feoffees or Trustees for the Land appropriated to the Uses aforesaid; which said Feoffees or Trustees, in Manner aforesaid, shall have, hold, and enjoy, a good, pure, absolute, and indefeasible Estate in Fee, of, in, and to, the aforesaid two hundred eighty three Acres, thirty five Poles

Trustees appointed.

A. D. 1705.

The Lands
vested in the
Trustees for the
Uses expressed
in the Act.

Sales to be
made by the
Trustees.

Proviso.
Purchasers to
build a good
House on each
Lot.

On Default
of building, as
by this Act
directed, all
Grants to be
void, and the
Lands rein-
vested in the
Trustees, and
may be pur-
chased by any
other Person.

The Proprie-
tors of the
Lands to be
paid by the
Publick at the
next Session of
Assembly, ac-
cording to the
Valuation of
the Jury.

The Trustees
to render to the
next Assembly
an Account of
the Sales. To
be applied to
the reimbursing
the Publick.

On Death, or
Removal out of
the Country, of
any of the
Trustees, the
Governour to
appoint Suc-
cessours.

Lots at the
Ports not to ex-
ceed 60 Feet
square.

Trustees to
account for the
Produce.

and a Half, of Land, in special Trust and Confidence, to and for the Uses herein-
after mentioned, that is to say: To the Uses, Intents, and Purposes, that the said
Feoffees and Trustees, or any two or more of them, shall, out of two hundred and
twenty Acres of the said Land hereby appropriated for the Use of the said City
of *Williamsburg*, convey and assure, in Fee, unto any Person requesting the same,
and paying the said Feoffees or Trustees the first Cost of the Purchase thereof,
and fifty per Cent. Advance, one or more Half Acre, or Half Acres, of the said
Land or Ground, by such good and sufficient Deed and Assurance in the Law,
unto such Person or Persons, their Heirs, and Assigns, for ever, as by such Per-
son or Persons, or their Council learned in the Law, shall be required.

XIV. *PROVIDED* always, and be it further enacted, by the Authority
aforesaid, and it is hereby enacted, that if such Grantee, his Heirs, or Assigns,
shall not, within the Space of twenty four Months next ensuing the Date of such
Grant, begin to build, and finish, on each Half Acre or Lot so granted, one good
Dwelling-House, containing twenty Feet in Width and thirty Feet in Length at
the least (if in the main Street, called *Duke of Gloucester Street*, of ten Feet Pitch,
and within six Feet of the Street; if in any other Place, according to the Rules
and Directions that shall be given by the Directors hereafter appointed) that then
such Grant and Conveyance so made shall be utterly void and null in Law, and
the Lands therein granted liable to the Choice and Purchase of any other Person
or Persons, and shall be immediately reinvested in the said Trustees or Feoffees,
to the Uses aforesaid, in as full and ample Manner as if the same had never been
disposed of.

XV. *AND* be it further enacted, by the Authority aforesaid, and it is hereby
enacted, that the Costs and Charges of the Purchase of the said two hundred
eighty three Acres, thirty five Poles and a Half, of Land, shall be paid and sa-
tisfied by the Publick, at the next Session of Assembly, to the several and re-
spective Proprietors and Owners thereof, according to the Valuation and Appraise-
ment made, in Manner as is before expressed; and also that the aforesaid Feoffees
and Trustees shall render an Account of the Produce and Profits of the several
Half Acres or Lots of Land by them sold in Manner aforesaid to the next Ge-
neral Assembly, which shall be then allowed and disposed of, for the Reim-
bursement of the Publick, in the first Purchase of the said Land, and, until
the same be fully paid and reimbursed, to no other Use, Intent, or Purpose,
whatsoever.

XVI. *PROVIDED* always, and be it further enacted, by the Authority
aforesaid, and it is hereby enacted, that in Case of the Death, Removal out of the
Country, or into remote Parts, or other legal Disability, of one or more of
the said Feoffees or Trustees, his Excellency the Governour, or the Governour
or Commander in Chief for the Time being, is hereby empowered and desired
to nominate such and so many Feoffees or Trustees as shall from Time to Time
be under the Number of six; which said Feoffees or Trustees, so nominated and
appointed, shall be immediately vested with equal Right and Title to the afore-
said Land and Ground, to the Uses aforesaid, as the Feoffees or Trustees ap-
pointed by Virtue of this Act might or could have, or as if they were by this
Act particularly nominated and appointed.

XVII. *PROVIDED* likewise, and be it further enacted, by the Authority
aforesaid, and it is hereby enacted, that the Lots at the afore-mentioned Ports or
Landings shall be proportioned at the Discretion of the Directors hereafter men-
tioned, provided that each Lot shall not exceed sixty Feet square; which said
Lots shall be disposed of in Manner aforesaid, and the Produce thereof to be
accounted for, by the said Feoffees or Trustees, in Manner as is before expressed,
any Thing in this Act to the contrary in any wise notwithstanding.

A. D. 1705.

XVIII. *PROVIDED* also, that a sufficient Quantity of Land at each Port or Landing Place shall be left in common, at the Discretion of the Directors hereafter appointed.

Proviso.
Common reserved at each Port.

XIX. *AND* be it further enacted, by the Authority aforesaid, and it is hereby enacted, that it shall and may be lawful to and for his Excellency the Governour, and to and for his Majesty's Governour or Commander in Chief of this his Majesty's Colony and Dominion for the Time being, by Letters Patents under the Seal of this his Majesty's Colony and Dominion, to incorporate all and every Person and Persons who from Time to Time, or at any Times hereafter, shall have any Interest, Freehold, or Habitation, in the said City, to be one Body Politick and Corporate, by the Name of the Mayor, Aldermen, and Commonalty, of the City of *Williamsburg*, and by that Name to have perpetual Succession, and a common Seal; and that they, and their Successors, by the Name aforesaid, shall be able and capable in Law to have, purchase, receive, enjoy, possess, and retain, to them and their Successors for ever, any Lands, Rents, Tenements, and Hereditaments, of what Kind, Nature, or Quality soever, and also to sell, grant, demise, alien, or dispose of the same; and by the same Name to sue and implead, be sued and impleaded, answer and be answered, in all Courts of Record, and any other Place whatsoever; and from Time to Time, under their common Seal, to make and establish such Bye Laws, Rules, and Ordinances (not contrary to the Laws and Constitutions of *England*, and this his Majesty's Colony and Dominion) as shall by them be thought requisite and necessary for the good ordering and Government of such Persons as shall from Time to Time reside within the Limits of the said City and Corporation, or shall be concerned in Interest therein; and by the Name aforesaid to do and execute all and singular other Matters and Things that to them shall or may appertain to do.

The Governour may, by Letters Patents, incorporate the Inhabitants to be a Body Corporate of the Mayor, Aldermen, &c. of *Williamsburg*.

The Corporation, and their Successors, capable in Law to purchase Lands and Tenements, and to sell, &c. and to make Bye Laws.

XX. *AND* that there may not be any Defect in the good ordering or Management of the said Land appropriated by this Act for the building of the said City, and in providing for the better Regulation thereof, until the next Meeting of Assembly,

For the better putting this Act in Execution,

XXI. *BE* it enacted, by the Authority aforesaid, and it is hereby enacted, that his Excellency *Francis Nicholson*, Esq; his Majesty's Lieutenant and Governour General of *Virginia*, *Edmund Jennings*, Esq; of his Majesty's Honourable Council, *Philip Ludwell*, Esq; *Thomas Ballard*, Gentleman, Members of the Right Worshipful House of Burgesses of this present General Assembly, *Lewis Burwell*, *Philip Ludwell*, Junior, *John Page*, *Henry Tyler*, *James Whaley*, and *Benjamin Harrison*, Junior, Gentlemen, or any five or more of them, shall be and are hereby nominated, authorized, and empowered, by the Name of the Directors appointed for the Settlement and Encouragement of the City of *Williamsburg*, to make such Rules and Orders, and to give such Directions in the building of the said City and Ports not already provided for by this Act, as to them shall seem best and most convenient.

Directors appointed.

Their Power.

XXII. *AND* be it further enacted, by the Authority aforesaid, and it is hereby enacted, that his Excellency the Governour, or the Governour or Commander in Chief of this his Majesty's Colony and Dominion for the Time being, is hereby empowered and desired, by Letters Patents under the Seal of this his Majesty's Colony and Dominion, to grant unto the said City of *Williamsburg* the Liberty and Privilege of holding and keeping such and so many Markets and Fairs, at such Time and Times, and upon such Conditions, and under such Limitations, as he shall think fit.

The Governour to grant to the City of *Williamsburg* Letters Patents for Markets and Fairs.

XXIII. *PROVIDED* always, and be it further enacted, by the Authority aforesaid, and it is hereby enacted, that no Lot or Lots of any Half Acre or Half

Proviso.
No Lots to be sold before October 20, 1699.

A. D. 1705.

Acres of Land shall be sold or disposed of to any Person or Persons whatsoever before the twentieth Day of *October* next ensuing the Date of this Act, to the End that the whole Country may have timely Notice of this Act, and equal Liberty in the Choice of the Lots.

The before
recited Act de-
clared in Force.

XXIV. NOW forasmuch as several Parts and Clauses recited in the aforesaid Act are not executed, others necessary to remain in Force, and for confirming every Thing already done, by any Person or Persons whatsoever, by Virtue of, and pursuant to, the aforesaid Act, *Be it enacted, by the Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted by the Authority of the same,* that the afore recited Act, and every Part and Clause thereof, be and are hereby declared to be in full Force.

Further Pro-
vision about
building in
Duke of Glou-
cester Street.

XXV. *AND be it further enacted,* if any Person shall hereafter take a Grant of two Lots or Half Acres of Land upon the great Street of the said City, commonly called *Duke of Gloucester Street*, and within the Space of four and twenty Months next ensuing such Grant, upon the said Lots or Half Acres, or either of them, shall build and finish one House fifty Feet long and twenty Feet broad, or within the Space aforesaid, upon the said Lots or Half Acres, or either of them, shall build and finish one Brick House, or framed House, with two Stacks of Brick Chimnies, and Cellars under the whole House bricked, forty Feet long and twenty Feet broad, either of the said Performances shall be sufficient to save the Grant of both the said Lots or Half Acres from becoming void, and shall be so adjudged, deemed, and taken; any Law, Usage, or Custom, heretofore, to the contrary notwithstanding.

Further Pro-
vision about
building in the
other Streets.

XXVI. *AND* if any Person shall hereafter take a Grant of two Lots or Half Acres of Land upon the great Street of the said City, and one or more Lots or Half Acres backward, and within the Space of four and twenty Months next ensuing such Grant, upon the Lots or Half Acres contiguous to the great Street, or either of them, shall build and finish, in ordinary framed Work, as much Dwelling Housing as will make five Hundred square Feet superficial Measure on the Ground Plat, for every Lot or Half Acre taken up, or within the Space aforesaid, upon the said two Lots or Half Acres, or either of them, shall build and finish, in Brick Work, or framed Work, with Brick Cellars under the whole, and Brick Chimnies, as much Dwelling Housing as will make four Hundred square Feet superficial Measure on the Ground Plat, for every Lot or Half Acre taken up, either of the said Performances shall be sufficient to save the Grant of all and every of the said Lots or Half Acres from becoming void, and shall be so adjudged, deemed, and taken; any Law, Usage, or Custom, heretofore, to the contrary notwithstanding.

One House
shall only save
two Lots upon
the great Street.

XXVII. *PROVIDED* always, that the building of one House, be the Dimensions thereof never so large, shall not save more than two Lots or Half Acres on the great Street, and that whatever Lots or Half Acres more the Builder is willing to take a Grant of shall be taken backwards.

Lots to be en-
closed within six
Months after
Building
finished.

XXVIII. *AND be it further enacted,* that every Person having any Lots or Half Acres of Land contiguous to the great Street shall enclose the said Lots or Half Acres with a Wall, Pales, or Posts and Rails, within six Months after the Building which the Law requires to be erected thereupon shall be finished, upon Penalty of forfeiting and paying five Shillings a Month for every Lot or Half Acre, so long as the same shall remain without a Wall, Pales, or Rails, as aforesaid; to be recovered before any Justice of the Peace of *York* or *James City County*, upon the Complaint of any one of the Trustees or Directors, and to be disposed of by the Directors as they shall think fit, for the Use and Benefit of the said City and Ports thereunto belonging.

A. D. 1705.

XXIX. *AND* be it further enacted, by the Authority aforesaid, and it is hereby enacted, that none of the Lots or Half Acres of Land in the City of Williamsburg whereon any Houses were standing at the laying out of the said City shall vest in the said Feoffees and Trustees of the said City, to be disposed of, as the rest of the Lots and Half Acres may be, by Virtue of the said Act, made at a General Assembly begun at James City the 27th Day of April 1699, intituled *An Act directing the building the Capitol and the City of Williamsburg*; but that all and every of the said Lots and Half Acres shall remain and continue the proper Estate of the respective Proprietors unaltered by the said Act, and shall be so adjudged, deemed, and taken, any Thing in the said Act to the contrary, or seeming to the contrary, notwithstanding.

Lots where-
on any Houses
were standing
at the laying out
the City not
vested in the
Trustees.

XXX. *AND* be it also enacted, that the four Lots or Half Acres which at the first laying out of the Land for the said City were laid out and appropriated for the Buildings then erected on the same by Benjamin Harrison, Junior, Esq; shall remain and continue to the Use of the said Benjamin Harrison, his Heirs, and Assigns, and shall not lapse for want of other Buildings thereon, any Thing in this Act to the contrary notwithstanding.

Saving to
Benjamin
Harrison.

XXXI. *AND* whereas by the Death, Removal out of the Country, or into remote Parts, of several of the Persons nominated Directors in the fore recited Act, and the Refusal of others to concern themselves therein, the Powers and Authorities to them granted have not been so fully executed as was intended; and it being necessary, for the better regulating and ordering the building of the said City of Williamsburg, that a competent Number of Directors be appointed and continued to inspect the same:

XXXII. *BE* it therefore enacted, by the Authority aforesaid, and it is hereby enacted, that his Excellency Edward Nott, Esq; her Majesty's Lieutenant and Governour General of Virginia, Edmund Jennings, Philip Ludwell, William Byrd, and Benjamin Harrison, Junior, Esquires; Henry Tyler, David Bray, Frederick Jones, Archibald Blair, Chicheley Corbin Thacker, and William Robertson, Gentlemen, or any five or more of them, be and they are hereby authorized and empowered, by the Name of *The Directors for the Settlement and Encouragement of the City of Williamsburg*, from Time to Time, and at all Times hereafter, until the said City shall be erected into a Corporation, in Manner afore-mentioned, to direct and order the laying out the Lots and Streets of the said City, where the Bounds and Marks thereof are worn out, to lay out a convenient Space of Ground for the Church-Yard, to enlarge the Market-Place, and to alter any of the Streets or Lanes thereof where the same are found inconvenient, and also to settle and establish such Rules and Orders for the more regular and orderly building of the Houses in the said City as to them shall seem best and most convenient.

Other Direc-
tors appointed.

Their Power.

XXXIII. *PROVIDED* always, that the main Street, called *Duke of Gloucester* Street, extending from the Capitol to the utmost Limits of the City westward, till it joins on the Land belonging to the College, shall not hereafter be altered, either in the Course or Dimensions thereof.

Duke of Glou-
cester Street not
to be altered.

XXXIV. *AND* be it further enacted, that in Case of the Death, Removal out of the Country, or other legal Disability, of any one or more of the Directors before named, it shall and may be lawful for the surviving or remaining Directors, from Time to Time, to elect and choose so many other Persons, in the Room of those so dead or removed, as shall make up the Number of ten; which Directors so chosen shall be, to all Intents and Purposes, vested with the same Power as any other in this Act particularly nominated and appointed.

Vacancy of a
Director to be
supplied by
Election of the
rest.

A. D. 1705.

C H A P. X.

An Act for confirming Titles to Town Lands.

Preamble.

I. **W**HEREAS an Act made at a General Assembly begun at *James City* the sixteenth Day of *April* one thousand six hundred ninety and one, intituled *An Act for Ports, &c.* (a) stands suspended; and forasmuch as, pursuant to the said Act, divers Tracts of Land have been purchased and laid out for Ports and Towns in the respective Places appointed by the said Act, and vested in Trustees, many of which have conveyed Lots or Half Acres therein to several Persons, who have built thereon, and have made considerable Improvements:

Titles of
Lands purchas-
ed for Ports or
Towns, pur-
suant to the Act
for Ports, &c.
and vested in
Feoffees or
Trustees,
confirmed.

II. *BE it enacted, by the Governour, Council, and Burgessees, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that where any County or Counties have purchased, laid out, and paid for, any Lands, for Ports or Towns, pursuant to the said Act for Ports, &c. or to any other Act of Assembly, and have vested the same in Feoffees or Trustees, according to the said Act or Acts, such Feoffees or Trustees so invested are hereby declared to have a good, absolute, and indefeasible Estate in Fee in such Lands respectively which have not been disposed of by the former Trustees, in Trust and Confidence, to and for the Uses in the said Act for Ports, &c. mentioned, and for no other Use or Purpose whatsoever, and the said Land or Lands are hereby confirmed to the said Feoffees or Trustees, in Fee, to such Use or Uses; any Thing in the said Suspension, or any other Law, Statute, Usage, or Custom, to the contrary, in any Wise notwithstanding.

And such
Lands not yet
vested in
Feoffees or
Trustees con-
firmed to
Feoffees or
Trustees here-
after to be ap-
pointed by the
County Courts,
to the Uses li-
mited by that
Act.

III. *AND be it further enacted,* that where any County or Counties, pursuant to the said Act for Ports, or any other Act of Assembly, have purchased, laid out, and paid for, fifty Acres of Land, and the same, by the Death or Refusal of the Proprietor, or other Accident, hath not been conveyed to Trustees, according to the said Law or Laws, such Land or Lands shall be and are hereby confirmed to such Feoffees or Trustees as hereafter, by Virtue of this Act, shall be appointed by the County Courts, to and for the Uses aforesaid, in as full and ample Manner as if the said Land or Lands had been really and actually conveyed in Law by such Proprietors to such Feoffees or Trustees, in Manner as by the said Act for Ports is expressed.

On Death, or
Departure out
of the Country,
of any Feoffee
or Trustee,
County Courts
to appoint
others.

IV. *AND be it further enacted, by the Authority aforesaid, and it is hereby enacted,* that if in any County the Feoffees or Trustees already appointed, by Virtue of the said Act for Ports, be dead, or departed out of this Country, the County Court of such respective County is hereby empowered and required to appoint other Feoffees or Trustees, who are hereby invested and confirmed in the Fee of all such Land or Lands (not by former Trustees disposed of) to the Use or Uses afore-mentioned, and to no other Use or Purpose whatsoever; and all Feoffees or Trustees, by Virtue of the said Act for Ports, &c. already made, or by Virtue of this Act hereafter to be made, are hereby empowered and required, in their respective County, to convey and make over any Lot or Lots, Half Acre or Half Acres, of Land, to such Person or Persons as shall desire to take up the same, according to the said Act for Ports, and upon the Conditions therein specified, as if the said Act for Ports had never been suspended; any Law, Statute, Usage, or Custom, to the contrary notwithstanding.

Titles of
Purchasers
confirmed.

V. *AND be it further enacted,* that if any Person or Persons have purchased and paid for any Lot or Lots, Half Acre or Half Acres, of Land, in any of the said Places of any Feoffees or Trustees, pursuant to the said Law, and have fully complied,

(a) See the Act immediately following.

with the Conditions in the said Law mentioned and set down, such Person or Persons are hereby declared to be invested with, and have a good, absolute, and indefeasible Estate in Fee, to such Lot or Lots, Half Acre or Half Acres, of Land; and the same is hereby confirmed in Fee to such Person and Persons, and to his and their Heirs for ever.

A. D. 1703.

An Act for Ports, &c. (a)

I. **W**HEREAS their Majesties Customs and Revenues of this their Dominion of *Virginia*, by the present Ways and Practices of landing and shipping of all Sorts of merchandising Goods inwards, and all Tobaccos and other Goods outwards, whether for *England* or elsewhere, are rendered impossible to be secured to be duly paid into the Hands of their Majesties respective Collectors, and other Officers thereto appointed and commissioned to receive and secure the same, great Opportunity being thereby given to such as attempt to import or export Goods and Merchandises without entering or paying the Duties and Customs due thereupon, much practised by greedy and covetous Persons, respecting more their private Gains and Commodities than their Duty and Allegiance, or the common Profit of their Majesties good Subjects, to the apparent Diminution of their Majesties Revenues, and great Discouragement of such who duly pay the same, which Abuses cannot be better prevented than by appointing certain limited Ports, Wharfs, Keys, and Places, for laying on Shore, and loading on Board, all Goods, Tobaccos, and other Merchandises to be exported out of, and imported into, this their Majesties Dominion of *Virginia*:

II. FOR Prevention of which Frauds and Abuses for the Time to come, *Be it enacted by their Majesties Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and the Authority thereof, and it is hereby enacted*, that from and after the first Day of *October*, which shall be in the Year of our Lord one thousand six hundred ninety and two, all Ships, Barks, and other Vessels whatsoever, arriving into, or sailing out from, this Country, for Trade, shall unload, and put on Shore, and take from Shore to load on Board, all Tobaccos, Goods, and Merchandises, at some one or other of the Ports, Wharfs, Keys, or Places hereafter mentioned in this Act; and at none other Place or Places whatsoever, under the Penalty and Forfeiture of such Ship, Bark, or other Vessel, with all her Guns, Tackle, Ammunition, Furniture, and Apparel.

III. *AND be it enacted, by the Authority aforesaid, and it is hereby enacted*, that all Goods, Wares, and Merchandises, of whatsoever Nature, Kind, or Condition, which shall be imported into, or exported out of, this their Majesties Dominion of *Virginia*, after the said first Day of *October*, Anno 1692, shall be landed and laid on Shore at some one of the Ports or Places herein after mentioned, and there, and at none other Place or Places whatsoever, sold and bought; and whosoever shall presume to buy, sell, land, or lay on Shore (unless in Case of Wreck to preserve the same) any Goods or Merchandises whatsoever to be imported or exported as aforesaid, at any other Place or Places than some one of the Ports, Wharfs, Keys, or other Place or Places hereafter named in this Act, shall forfeit and lose all such Goods, Wares, and Merchandises, as shall in other Manner than is by this Law directed be landed or laid on Shore, bought, sold, shipped off, received, or taken on Board, any Ship, Bark, or other Vessel whatsoever, as aforesaid.

IV. *AND be it further enacted, by the Authority aforesaid, and it is hereby enacted*, that for the better securing all Tobaccos, Goods, Wares, and Merchandises, which shall be brought to, and landed at, the Ports, Wharfs, Keys,

(a) This Act was made 3 W. and M. and so much of it as is connected with the foregoing Law, it is thought, ought to be printed here,

A. D. 1705.

and Places, by this Act named for Reception and landing thereof, the Justices of each County are hereby authorised, commanded, and empowered, within three Months after Publication of this Act, to appoint and command the Surveyor of each County to lay out and survey fifty Acres of Land at such Place and Places as are hereafter in this Act named, appointed, and set down, for the Ports, Wharfs, Keys, and Places for receiving on Shore and shipping all Goods, Tobaccos, Wares, and Merchandises as aforesaid, and for the erecting Warehouses, or any other Houses, for the better securing all such Goods, Tobaccos, Wares, and Merchandises, to be imported or exported as aforesaid.

V. *AND be it further enacted by the Authority aforesaid, and it is hereby enacted*, that if any Owner or Owners, or other present Possessor (where the Owner is absent) of such Lands, as are by this Act hereafter appointed for a Port, Wharf, Key, or Place as aforesaid, shall not be willing to agree for and sell such Land at such Price as shall be by the Justices aforesaid thought reasonable, that then and in such Case, at the Request of the said Justices, their Majesties Governor for the Time being is hereby desired and empowered to issue forth his Warrant, or Warrants, directed to the Sheriff of some neighbouring County, thereby commanding him to empanel twelve of the most able and discreet Freeholders of his Bailiwick in convenient Time to go upon the Land appointed by this Law for a Town, Port, Wharf, Key, or Place of landing Goods, Wares, or Merchandises, to be imported or exported, and upon their corporal Oaths to value the same at the true Worth (having Regard to the Inconveniency that may happen to the Owner by Reason of his Sale thereof) in the best of their Judgments; which Worth or Value by them so made and found shall be paid and satisfied, or well secured to be paid and satisfied, the next succeeding Crop, to the Owner or Owners, Guardian, Attorney, present Possessor or Possessors, by the Inhabitants of the County where such Lands lie, to be by Virtue of this Act levied by the Justices of that County, or any four or more of them (whereof one to be of the Quorum) upon the Inhabitants of the County, by the Poll, on every Tithable, in Manner as other County Charges are or have been heretofore usually laid and levied; that in Consideration of such Sum or Sums of Tobacco by the Jury assessed, or of so much as the Jury aforesaid shall value the said Lands to be worth, such Owner or Owners, Guardian, Attorney, present Possessor or Possessors, shall well and sufficiently convey and assure unto such Person and Persons as the County Court shall appoint Feoffees in Trust a good and absolute Estate in Fee of and in the said fifty Acres of Land, in Trust and Confidence, and to and for the Uses, Intents, and Purposes, herein after mentioned, that is to say: To the Uses, Intents, and Purposes, that the said Feoffees shall, out of the said fifty Acres of Land, convey and assure to any Person requesting the same, and paying and reimbursing the County *pro rata* what the same at first cost, the like good and sufficient Conveyance and Assurance in the Law, unto such Person or Persons, their Heirs and Assigns for ever, one or more Half Acre or Half Acres, but under such Conditions that such Grantee, his Heirs, or Assigns, shall, within the Space of four Months next ensuing such Grant, begin, and without Delay proceed, to build and finish on each Half Acre granted to him one good House, to contain twenty Feet square at the least, wherein if he fails to perform then such Grant to be void in Law, and the Lands therein granted liable to the Choice and Purchase of any other Person.

VI. *AND be it further enacted, by the Authority aforesaid, and it is hereby enacted*, that in Case where the Owner, Proprietor, or his, their, or her Guardian or Guardians, or known Attorney or Attornies, where such Owner or Owners, Proprietor or Proprietors, shall be under full Age, or out of this Country, or County where the Land lies appointed by this Act to the Uses aforesaid, shall, upon Tender of Payment, or Security for the Payment the next succeeding Crop, of the Value or Consideration for the Purchase of the said Lands so assessed as aforesaid, refuse to make such Assurance and Conveyance as by this Act is directed,

such Denial or Refusal shall, *ipso facto*, be taken for a Forfeiture of the said Lands to the Feoffees or Trustees appointed or intrusted by the Court as aforesaid, Proof thereof being first made in the County Court where the Lands lie; and that immediately from and after such Refusal as aforesaid it shall and may be lawful to and for the said Feoffees or Trustees into and upon the said fifty Acres of Land to enter, and the same to have, hold, occupy, and enjoy, as of an Estate in Fee, to and for the Uses, Intent, and Purposes, aforesaid. A. D. 1705.

VII. *AND be it further enacted, by the Authority aforesaid, and it is hereby enacted*, that immediately upon such Entry the said Feoffees, and every of them, are and shall be seized of and in a pure, absolute, perfect, and indefeasible Estate of Inheritance in Fee, in Trust, and to and for the Intents, Uses, and Purposes, aforesaid; and such Conveyances or Grants as shall be made by them of any the said Lands, according to the Power and Trust in them by this Act reposed and given, shall be adjudged, deemed, and taken, to be good, valid, and effectual in Law, to all Intents and Purposes whatsoever, as if the said Grants were made by the true and rightful Owner, Proprietor, or Possessor, of the same; any Law, Statute, Usage, or Custom, to the contrary hereof notwithstanding.

VIII. *AND be it further enacted, by the Authority aforesaid, and it is hereby enacted*, that the Surveyors appointed to lay out the said fifty Acres of Land shall have for the same, and for delivering to the County Court a fair Plot thereof, five Hundred Pounds of Tobacco and Cask, to be paid by each County; and for every Half Acre, and giving a Plot thereof, twenty Pounds of Tobacco, to be paid by him that shall employ him: And that such Surveyor, appointed to lay out the whole fifty Acres of Land, as shall refuse or neglect (upon timely Notice thereof given to him) to survey and lay out any one or more Half Acre or Half Acres of Land for the respective Purchasers thereof, or demand more Pay or Allowance for his so doing, and giving a Plot thereof sufficient to ground the Conveyance upon in the bounding and expressing the Lines of the said one or more Half Acre or Half Acres of Land, than what is by this Act allowed, shall, upon Proof made, pay to the Party so aggrieved five Hundred Pounds of Tobacco and Cask; to be recovered by Action of Debt, Bill, or Plaint, in any Court of Record within this their Majesties Dominion of *Virginia*.

IX. *AND be it enacted, by the Authority aforesaid*, that these several nominated Ports, Wharfs, Keys, and Places hereafter named and set down, be, are, and shall be, the several and respective Ports, Wharfs, Keys, and Places constituted and appointed by this Act for the Uses, Intents, and Purposes, before named, that is to say:

For *Charles City County*, at *Flower de Hundred*, over against *Swinyard's*, where it was by a former Law appointed, and accordingly laid out and paid for, and several Dwelling-Houses and Warehouses built.

For *James City County*, *James City*.

For *Nansemond County*, at *Huff's Point*, where formerly by Law appointed, and accordingly laid out and paid for, and built upon, pursuant to the said Law.

For *Elizabeth City County*, on the west Side of *Hampton River*, on the Land of Mr. *William Wilson*, lately belonging to Mr. *Thomas Jarvis*, deceased, the Plantation where he late lived, and the Place appointed by a former Law, and several Dwelling-Houses and Warehouses already built.

For lower *Norfolk County*, on *Nicholas Wife* his Land, on the Entrance of the eastern Branch of *Elizabeth River*, being the Land appointed by a former Law, and accordingly laid out and paid for, and several Dwelling-Houses and Warehouses already built.

For *York County*, upon Mr. *Benjamin Read's* Land, beginning at the lower Side of *Smith's Creek*, and so running downwards by the River towards the Ferry.

For the upper Parts of *York River*, at *West Point*, to be paid for by the County in which it lies.

A. D. 1705.

For *Gloucester* County, at *Tindall's Point*, Part on the Land of Col. *Lawrence Smith*, and Part on the Land of Mrs. *Rebecca Rboys*.

For *Middlesex* County, on the Land belonging to *Ralph Wormeley*, Esq; on the west Side of *Nimcock* Creek, and over against the Plantation where he now liveth, formerly laid out by the Surveyor of the County, according to the Directions of the Act made in *Anno* 1680, intituled *An Act for Cohabitation and Encouragement of Trade and Manufacture*, and fully paid for to the said *Ralph Wormely*, Esq; at the Price set by the said Act, and a good sufficient Warehouse built thereon.

For *Rappahanock* County, at *Hobbs his Hole*, the Land laid out by a former Law, and paid for, where the Court-House, several Dwelling-Houses, and Warehouses, are already built.

For *Stafford* County, on the Land where Capt. *Malachy Peale* now liveth, called *Patomeck* Neck.

For *Accomack* County, at *Anancock*, in *Calvert* Neck, formerly laid out pursuant to a former Law made in *Anno* 1680, where the Court-House, several Dwelling-Houses, and Warehouses, are already built.

For *Northampton* County, upon one of the Branches of *Cherrystones* Creek, on the Land of Mrs. *Anna Lee*, the Daughter of Capt. *Hancock Lee*, now in the Tenure of the Widow of *Andrew Small*.

For *Lancaster* County, on the Land where Mrs. *Hannah Ball* now liveth, situate on the western Side of the Mouth of *Corotoman* River.

For *Northumberland* County, on *Chicacone* River, being the Land of Mr. *Spencer Matrom*, formerly laid out for a Town according to a former Law.

X. AND that the Places hereafter nominated may be, and are hereby appointed to be Places for buying and selling of all Manner of Goods, Wares, and Merchandises, under the same Limitations and Conditions as are mentioned to be observed and performed in settling and appointing the Ports aforesaid, but shall not have Liberty to land from on Board any Ship or Vessel, at the first Importation, or ship off, in Order to the immediate Exportation, any Goods, Wares, or Merchandises, but only to and from some one of the Ports before in this Act mentioned, that is to say:

For *Henrico* County, at *Bermuda Hundred* Point, on the Land belonging to the Wife of *John Woodson*.

For *Isle of Wight* County, at the Mouth of *Pagan* Creek, formerly laid out for a Town by the Name of *Pate's Field*, and paid for, and Houses built upon it.

For *Warwick* County, at the Mouth of *Deep* Creek, as by a former Law appointed and laid out, by the Name of *Warwick* Town, and paid for by Directions of the said Law, and several Houses there built, together with a Brick Court-House and Prison.

For *Surry* County, at the Mouth of *Grey's* Creek, on the lower Side thereof.

For *Westmoreland* County, on the Land of Capt. *William Hardidge*, where he now liveth, on the Mouth of *Nominy*, a Place formerly appointed by Law.

XI. AND be it enacted, by the Authority aforesaid, and it is hereby enacted, that from and after the said first Day of *October* 1692 no Tobacco, Goods, Wares, or Merchandises, shall be taken on Board any Ship, Bark, or Vessel whatsoever, from any Part of this their Majesties Dominion in Order to be exported in the said Ship, Bark, or Vessel, but what shall come directly from some one or other of the Ports, Wharfs, Keys, or Places mentioned in this Act, nor unless the same Tobaccos, or other Goods so taken on Board from such Place or Places allowed of by this Act, be first entered with the Collector, or Officer duly appointed to collect, receive, and secure the Customs, and a Cocket or Certificate thereof produced from him of such Entry made, together with the Mark and Number of such Tobaccos, or other Goods, Wares, or Merchandises, so entered for Exportation, in such Ship, Bark, or other Vessel as the same is intended to be put on Board, under the Pain and Penalty of forfeiting all such Tobaccos, Goods, Wares, or Merchandises, as shall be put on Board any Ship, Bark, or other

Vessel, and not coming directly from such Port, Wharf, Key, or Place, mentioned and allowed in this Act, and due Entry made thereof with the lawful Officer, according to the Directions, and true Intent and Meaning, of this Act. A. D. 1705.

XII. AND, for the better preventing and discovering of Frauds and Abuses, *BE it further enacted, by the Authority aforesaid, and it is hereby enacted,* that all Tobaccos, Skins, Furs, Goods, Wares, or Merchandises, that shall be found on Board any Ship, Sloop, Boat, or other Vessel, that hath passed by any of the Ports mentioned in this Act, after the taking on Board any such Goods, Wares, or Merchandises, and hath not a Permit from the Collector, or other Officer of the Customs of that District, for the same, declaring to what Port or Place they are to be carried, shall be wholly forfeited; one third Part of all which Fines, Forfeitures, and Penalties,, before mentioned, to be to their Majesties, their Heirs, and Successours, towards the better Support of the Government of this their Majesties Dominion of *Virginia* and the contingent Charges thereof, one third Part to the Governour here, and the other third Part to him or them that shall inform or sue for the same, in any Court of Record within this their Majesties Dominion of *Virginia*, by Bill, Information, Complaint, or other Action, wherein no Essoin, Protection, or Wager of Law, shall be allowed.

XIII. *PROVIDED always,* and it is the true Intent and Meaning of this Act, that any Place already laid out and appointed by any former Law, and now by this Act again appointed and confirmed, to be one of the Ports, Wharfs, Keys, or Places of Trade and landing of Goods and Merchandises to be imported, or for shipping Tobaccos and other Goods and Merchandises to be exported, wherein any Thing hath been heretofore done and acted pursuant to such Law, the same shall be and is hereby deemed held good and valid in Law; any Thing herein, or by any other Law, Order, Usage, or Custom, to the contrary thereof, in any Wise notwithstanding.

XIV. *PROVIDED always,* that in Case of Death, or Departure out of this Dominion, of any one or more who shall be appointed by Virtue of this Act a Feoffee or Feoffees in Trust as aforesaid, that then it shall and may be lawful to and for the Justices of that Court where such Death or Departure shall happen, and the aforesaid Justices are hereby empowered, to constitute and appoint, in the Place or Room of such Feoffee or Feoffees so dead or departed, one or more Feoffee or Feoffees for the Uses, Intents, and Purposes, aforesaid. (a)

C H A P. XI.

(b) *An Act for Naturalization.*

I. **W**HEREAS nothing can contribute more to the speedy settling and peopling of this her Majesty's Colony and Dominion than that all possible Encouragement should be given to Persons of different Nations to transport themselves hither, with their Families and Stock, for to settle, plant, or reside, by investing them with all the Rights and Privileges of any of her Majesty's natural free born Subjects within this Colony: Preamble.

II. *BE it therefore enacted, by the Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,*

(a) The following Clauses of this long Act, ascertaining a Tenant by the Curtesy's Proportion of the Consideration Money paid for Town Lots, imposing Duties on several Commodities, and concerning several other Matters, are omitted, not being in Force, nor connected with the preceding Act.

(b) See 32. Car. 2 (1680) Cap. 2.

7. Geo. 3 (1766) Cap. 20. confirms Titles derived from Aliens.

A. D. 1705.
 Governour
 may, by Letters
 Patents, under
 the Broad Seal,
 to naturalize
 Aliens taking
 the Oaths, &c.

that it shall and may be lawful for the Governour, or Commander in Chief of this Colony and Dominion for the Time being, by a publick Instrument, or Letters Patents, under the Broad Seal thereof, to declare any Alien or Aliens, Foreigner or Foreigners, being already settled, or Inhabitants in this Colony, or which shall hereafter come to settle, plant, or reside therein, upon his, her, or their, taking before him the Oaths appointed by Act of Parliament to be taken, instead of the Oaths of Allegiance and Supremacy, the Oath mentioned in an Act intituled *An Act to declare the Alterations in the Oath appointed to be taken by the Act intituled An Act for the further Security of his Majesty's Person, and the Succession of the Crown in the Protestant Line, and for extinguishing the Hopes of the pretended Prince of Wales, and all other Pretenders, and their open and secret Abettors, and for declaring the Association to be determined, and subscribing the Test*, to be, to all Intents and Purposes, fully and completely naturalized; and that all Persons having such publick Instrument, or Letters Patents, shall, by Virtue of this Act, have and enjoy, to them, and their Heirs, the same Immunities and Rights, of and unto the Laws and Privileges of this Colony and Dominion, as fully and amply as any of her Majesty's natural born Subjects have or enjoy within the same, and as if they themselves had been born within any of her Majesty's Realms or Dominions, any former Act, Law, Ordinance, Usage, or Custom, to the contrary notwithstanding.

III. AND to the Intent the said publick Instrument, or Letters Patents, under the Broad Seal of this Colony, as aforesaid, may be obtained without any great Difficulty or Charge,

Fees to the
 Governour 40s.
 Clerk 10s.

IV. *BE it further enacted*, that the Governour or Commander in Chief of this Colony and Dominion, granting such publick Instrument or Letters Patents, shall have and receive for the same forty Shillings; and his Clerk, for writing of it, ten Shillings, and no more.

V. AND whereas several Aliens and Foreigners that have formerly transported themselves to this her Majesty's Colony and Dominion, and have taken up and patented, in their own Name, several Parcels of Land, or otherwise made Purchase of Lands, Houses, Tenements, or other real Interest, and have afterwards sold the same to some of her Majesty's liege People, or Inhabitants of this Colony and Dominion,

Lands and
 Tenements
 purchased and
 held of Aliens
 before this Act
 confirmed.

VI. *IT is hereby further enacted*, that all Persons which have purchased and held, under any such Alien or Aliens, any Lands, Houses, or Tenements, be secured, and by Virtue of this present Act for ever be confirmed, in the quiet and peaceable Possession of the said Purchases, unto them and their Heirs for ever; any former Law, Usage, or Custom, to the contrary, in any Wise notwithstanding.

No Privileges
 granted to
 Aliens contrary
 to Acts of Par-
 liament, &c.

VII. *PROVIDED*, that nothing in this Act contained shall be construed to enable, or give Power or Privilege to, any Foreigner to do or execute any Matter or Thing which by any of the Acts made in *England* concerning her Majesty's Plantations he is disabled to do or execute.

C H A P . XII.

An Act for improving the Staple of Tobacco, and for regulating the Size and Tare of Tobacco Hogsheads. (a)

I. **B**E it enacted, by the Governour, Council, and Burgessees, of this present General Assembly, and it is hereby enacted, and declared, by the Authority of the same, that all tending of Seconds for Tobacco is hereby forbid; and that whosoever shall tend, or cause or suffer to be tended, any Seconds, shall forfeit and pay five Hundred Pounds of Tobacco for every tithable Person he shall have or employ that Year upon the Plantation where the Seconds shall grow.

A. D. 1705.
Confirmed by the Queen in Council Anno 1707.
Every Part of this Act, except what relates to the tending of Seconds, is provided for, and repealed by 5 Geo. 3. (1765) Cap. 4.
Persons tending Seconds forfeit 500 lb. of Tobacco for every Tithable on the Plantation.

II. **PROVIDED**, that where any Person or Persons shall intrust his or their Plantation or Plantations, and the Servants and Slaves thereon, to the Management of an Overseer, being a free Man, the Owner of such Plantation, Servants, and Slaves, shall not be liable to Prosecution for any Breach of this Act; but such Overseer, tending, or causing or suffering to be tended, any Seconds, shall incur the said Penalty of five Hundred Pounds of Tobacco for every tithable Person that shall be employed that Year upon the Plantation under his Charge where such Seconds shall grow as aforesaid.

And Overseers liable to the like Penalty.

III. **AND** be it also enacted, by the Authority aforesaid, and it is hereby enacted, that whosoever shall hereafter pack, or cause to be packed, any Hoghead of Tobacco, they pack or cause the same to be packed fairly, and without Deceit, and equally good throughout, as it appears at the Head; and that if any Person or Persons whatsoever shall pay away or put to Sale, or offer to pay away or put to Sale, any Hoghead of Tobacco which he hath deceitfully, or hath caused or suffered to be deceitfully packed, by putting therein any Stones, or intermingling therewith any Dirt, Sand, Tobacco Stalks, Stems, Seconds, Ground Leaves, or other Trash whatsoever, shall forfeit for every Hoghead so deceitfully packed one Thousand Pounds of Tobacco.

Persons exposing to Sale, or tendering, Tobacco false packed, and mixed with Trash, forfeit 1000 lb. of Tobacco per Hoghead.

IV. **AND** be it also enacted, by the Authority aforesaid, and it is hereby enacted, that when any Complaint or Information shall be made, or Suit brought, to any Court, concerning the false packing of a Hoghead of Tobacco, the Court shall forthwith appoint two or three Men, who are reputed to be skilful Planters, to search and view the said Hoghead of Tobacco, and to make Report upon Oath to the Court how they find the same, and whether in their Opinions it be fairly packed as this Act directs; and their Report therein shall be admitted as good Evidence at the Trial.

Upon Information, or Suit, the Court shall appoint Viewers.

V. **PROVIDED**, that five Pounds Weight, and no more, be allowed in one Hoghead for Sand, Dust, and mean Tobacco, to wit such Tobacco as is not passable by itself, without better joined with it.

5 lb. Weight per Hoghead to be allowed for Sand, Dirt, and mean Tobacco.

VI. **AND** be it also enacted, by the Authority aforesaid, and it is hereby enacted, that if any Creditor shall omit to demand or receive a Tobacco Debt by the last Day of January, it shall be lawful for the Debtor, at any Time in February, to apply himself to two Justices of the Peace of the County to make a Tender of the Tobacco he owes, according to the Tenour of the Specialty or Bargain by which it appears due, which said two Justices shall be and are hereby

How a Debtor may discharge himself by a Tender.

(a) See 7. Geo. 1 (1720) Cap. 1. for the more effectual the tending of Seconds, 3 and 4. Geo. 2 (1730) Cap. 1. the before mentioned Act enforced. 10. Geo. 2 (1736) Cap. 2. to prevent cutting Tobacco Suckers.

A. D. 1705.

empowered and required to appoint, without Delay, three honest and able Men of the Neighbourhood, on their Oaths, to view the Tobacco, and if they find it merchantable, and packed fairly, according to the Direction of this Act, they shall weigh and mark the same for the Use of the Creditor, on whose Account and Hazard it shall thereafter lie; and upon producing Certificate from the said Justices of the said Tender, to the next County Court, and that the Tobacco is found good, and fairly packed, as the Law directs, the said Court is hereby authorized and empowered, by their Order, to discharge the Debtor from his said Debt.

But Tender shall be made according to Specialty, and the Debtor shall preserve the Tobacco as his own, and defray the Charge of the Tender. Viewer to have 20lb. of Tobacco per Day.

VII. *PROVIDED*, the said Tender was made in Place, according to Specialty; and provided that the said Debtor shall endeavour to secure and preserve the said Tobacco as before the Tender, and as it were still his own.

VIII. *AND* be it enacted, by the Authority aforesaid, and it is hereby enacted, that the Debtor making Tender as aforesaid shall bear and defray the Charge accruing thereby, and that each Viewer shall be allowed twenty Pounds of Tobacco per Day.

Make and Size of Tobacco Hogsheads.

IX. *AND* also be it enacted, by the Authority aforesaid, and it is hereby enacted, that every Tobacco Hogshead, in which Tobacco shall be packed, paid away, or put to Sale, shall be made of dry and well seasoned Timber, and which hath been hewed three Months at least before the setting up, and shall be set up in strong and substantial Hoops. The Stave shall be in Length forty eight Inches, and no more, and at least one Third of an Inch in Thickness, on the thinnest Edge thereof; the Size of the Head on the Inside shall be thirty Inches in Diameter, and no more.

Coopers shall be sworn before a Justice.

The Oath.

And take Certificate.

Persons employing their Servants or Slaves in making Tobacco Casks shall also make Oath, and take Certificate.

X. *AND* be it enacted, by the Authority aforesaid, and it is hereby enacted, that all and every Cooper and Coopers, or other Persons intending to set up Tobacco Hogsheads, do go before a Justice of the Peace for the County where he dwells, and make Oath that he shall not willingly or wittingly set up any Tobacco Hogsheads of a larger Size than is herein directed, and also to tare, or cause to be tared, with a marking Iron, or branding Iron, every Tobacco Hogshead that by him shall be set up, with the true Weight thereof on the Bulge and Head of the Hogshead, together with the first Letter of his proper Name and Surname, and shall take a Certificate from the said Justice of such Oath so made; and if any Person or Persons shall employ any Negro, Mulatto, or other Servant, in making Tobacco Hogsheads, such Employer shall go before a Justice of the Peace for the County where he or she dwells, and make Oath that he or she so employing the said Negro, Mulatto, or other Servant, shall not willingly nor wittingly suffer or permit any Tobacco Hogsheads to be set up for them of a larger Size than is herein directed, but shall use their utmost Endeavours to prevent the same, and also that what Hogsheads by such Negro, Mulatto, or other Servant, shall be made or set up for him or her, shall be tared, and the two first Letters of his or her proper Name and Surname set thereon, in Manner aforesaid, and shall also take a Certificate from the said Justice of such Oath made.

Coopers, &c. setting up, &c. Tobacco Casks, contrary to this Act, or before Oath made, and Certificate obtained, forfeit 500lb. of Tobacco for every Cask.

XI. *AND* be it further enacted, by the Authority aforesaid, and it is hereby enacted, that if any Cooper, Coopers, or any other Person or Persons, set up Tobacco Casks contrary to this Act, or shall pay away, put to Sale, or put, or cause to be put, on Board any Boat, Sloop, Ship, or other Vessel, in Order to Exportation, any Tobacco whatsoever packed in Cask of a greater Size than is herein before expressed and set down, or that is made of less seasoned Timber or Staves thinner than before directed, or that is not tared with their just Weight as before in this Act is enjoined, or shall presume to set the Tare upon any Hogshead before Oath made, and a Certificate obtained, as aforesaid, such Cooper or Coopers, other Person or Persons, if free (and if not the Employer)

shall, for every Tobacco Hoghead so made, paid away, put to Sale, or shipped, forfeit and pay the Sum of five Hundred Pounds of Tobacco. One Moiety of all the Fines and Forfeitures in this Act before mentioned shall be to our Sovereign Lady the Queen, her Heirs, and Successours, for and towards the better Support of this Government and the contingent Charges thereof, and the other Moiety to him or them that will sue or inform for the same; to be recovered, with Costs, by Action of Debt, Bill, Complaint, or Information, in any Court of Record in this her Majesty's Colony and Dominion, wherein no Effoin, Protection, or Wager of Law, shall be allowed.

A. D. 1705.

Fines appropriated.

XII. *PROVIDED* always, that every Justice of the Peace before whom Complaint of the Breach of this Act shall be brought shall be and is hereby empowered to consider what any Tobacco Hoghead, after it hath lain some Time packed, may, by the Moisture of the Tobacco, or Weather, increase in Weight, and give Judgment accordingly.

Allowance to be made for the Increase of Weight of Tobacco Hogheads.

XIII. *AND* also be it enacted, by the Authority aforesaid, and it is hereby enacted, that the Buyer or Receiver of Tobacco in Cask shall receive and take the same at the Tare thereon set, and allow thirty Pounds of Tobacco for each Hoghead, notwithstanding any Bill, Bond, or Contract, expressing the same to be paid with Cask; on Penalty of one Hundred and fifty Pounds of Tobacco, payable to the Informer, and recoverable, with Costs, upon Complaint, before any Justice of Peace of the County.

Buyers of Tobacco shall receive Hogheads at the Tare, and allow 30 lb. of Tobacco for the Hoghead, on Penalty of 150 lb. of Tobacco.

XIV. *PROVIDED*, that neither this Act, nor any Thing therein contained, shall be construed to extend to Contracts, Grants, Rents, or Reservations of Cask, with the Tobacco upon Leases, for Land; but that the Cask shall and may be paid, received, demanded, sued for, and recovered, according to the Conditions, Contracts, Grants, and Reservations of the Rents, upon such Leases.

But this shall not extend to Rents, &c.

XV. *PROVIDED* also, that this Act, nor any Thing herein contained, shall be construed or intended to restrain or prohibit any Person or Persons from freighting or shipping of their own Tobacco in Hogheads of a lawful Size, although the Hogheads be not tared, nor any Oath made thereto, according to this Act; the Freighter or Freighters, Owner or Owners, of the said Tobacco, neither directly nor indirectly exposing the same to Sale in the Country.

Nor to Persons shipping their own Tobacco in Casks of lawful Size, though not tared, &c.

XVI. *PROVIDED* always, that the Sheriffs and Collectors of publick Dues shall allow, for all publick Tobaccos paid in Hogheads, to the Payer thereof, eight per Cent. per Cask, instead of the thirty Pounds of Tobacco per Hoghead, it being so raised in the publick Proportion, as hath of a long Time been accustomed, any Thing in this Act to the contrary in any Wise notwithstanding.

Collectors of publick Dues, shall allow 8 per Cent. for Cask.

XVII. *AND* be it further enacted, by the Authority aforesaid, that all and every Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to improving the Staple of Tobacco, and regulating the Size and Tare of Tobacco Hogheads, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

Former Laws repealed.

A. D. 1703.

C H A P. XIII.

An Act to prevent Ships sailing in Contempt of Embargoes. (a)

Preamble.

I. **F**ORASMUCH as several Masters of Ships and Vessels in this Colony and Dominion have, in Contempt of Embargoes, sailed out of the Colony, and that such Practices may be of dangerous Consequence, by a Discovery of the State of the Colony, and the Trade here, in Case any Ship or Vessel so sailing should happen to be taken by the Enemy:

Masters of Ships, &c. at Entry, shall give Bond, with Condition not to depart this Colony, during the Continuance of an Embargo, &c.

II. *BE it therefore enacted, by the Governour, Council, and Burgessees, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that all Masters of Ships and Vessels, when they make their Entry, shall give Bond to the Naval Officer, according to the Burthen of their Ships or Vessels, as followeth: If the Ship or Vessel be under one Hundred Tuns, the Bond shall be for one Hundred Pounds Sterling; if one Hundred Tuns, and not two Hundred Tuns, the Bonds shall be for two Hundred Pounds Sterling; if two Hundred Tuns, and upwards, the Bond shall be for five Hundred Pounds Sterling; to all which Bonds the Condition shall be not to depart this Colony when any Embargo is laid during the Continuance of such Embargo, and also to observe and follow such Rules and Directions as shall be thought necessary to be given by the Government for the making up of Fleets.

But Notice of such Embargo shall be given them by the Collectors or Naval Officers.

III. *PROVIDED always, and it is the true Intent and Meaning of this Act,* when any Embargoes are laid on Ships and Vessels within this Dominion, that the Collectors and Naval Officers, upon Receipt of the Order for such Embargo, shall forthwith give Notice to the several Masters of Ships and Vessels within their respective Districts of the said Embargo, and the Time of the Continuance thereof; and that no Bond whatsoever required and given by Virtue of this Act shall be adjudged, deemed, or taken, to be forfeited, unless Notice hath been given as aforesaid, and Breach be made of the Condition of the said Bond after such Notice, any Thing in this Act to the contrary, or seeming to the contrary, notwithstanding.

Repeal of former Laws.

IV. *AND be it enacted,* that all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to any Matter or Thing whatsoever within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

C H A P. XIV.

An Act for Prevention of Misunderstandings between the tributary Indians and other her Majesty's Subjects of this Colony and Dominion, and for a free and open Trade with all Indians whatsoever. (b)

Preamble.

I. **F**OR Prevention of all Manner of Animosities, Jealousies, Fears, Misunderstandings, and Differences whatsoever, between the tributary Indians and other her Majesty's Subjects of this Colony and Dominion, as also

(a) See 1 Geo. 2. (1727) Cap. 3. to prohibit the Exportation of Grain in Time of Scarcity.

(b) See 8 Geo. 1. (1722) Cap. 2.

the several Revenges and Mischiefs which may thereupon be fought after and ensue, A. D. 1705.

II. *BE it enacted, by the Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that it shall not be lawful for an Indian King, or any other of the said tributary Indians whatsoever, upon any Pretence, or for any Consideration whatsoever, to bargain and sell, or demise, to any Person or Persons, other than to some of their own Nation, or their Posterity, in Fee, for Life, or for Years, the Lands laid out and appropriated for the Use of the said Indians, or any Part or Parcel thereof; or to bargain and sell as aforesaid any other Land whatsoever now actually possessed, or justly claimed and pretended to, by the said Indians, or any of them, by Virtue of the Articles of Peace made and concluded with the said Indians the twenty ninth Day of May one Thousand six Hundred seventy and seven, or by Virtue of any other Right or Title whatsoever; and that every Bargain, Sale, or Demise, hereafter made contrary to this Act as aforesaid, shall be and is hereby declared to be null and void, to all Intents, Constructions, and Purposes, whatsoever.*

Tributary Indians disabled from conveying, in Fee, for Life, or Years, any of their Lands, except to their own Nation.

III. *AND be it further enacted, by the Authority aforesaid, that if any Person or Persons (other than the Indians, and their Posterity) shall, from and after the Publication of this Act, presume to purchase, or obtain, any Deed or Conveyance in Fee, or any Lease for Years, from any of the tributary Indians, of any Lands, Tenements, or Hereditaments, laid out or appropriated, or now actually possessed, or justly claimed or pretended to, by the said Indians; or shall occupy or tend any of the said Lands, by Permission of the said Indians, or otherwise; every Person or Persons so offending, and being thereof lawfully convicted, in any Court of Record within this Colony, shall forfeit and pay the Sum of ten Shillings current Money for every Acre of Land so purchased, leased, or occupied. And for every Year during the Continuance of the Possession or Occupation of any Lands by Virtue of such Purchase or Lease, the Person or Persons so offending shall forfeit and pay the Sum of ten Shillings current Money for every Acre of Land so possessed or occupied as aforesaid; one Moiety of which said Forfeitures shall be to our Sovereign Lady the Queen, her Heirs, and Successors, for and towards the better Support of the Government of this her Majesty's Colony and Dominion and the contingent Charges thereof, and the other Moiety to the Informer; to be recovered by Action of Debt, Bill, Complaint, or Information, wherein no Essoin, Protection, or Wager of Law, shall be allowed.*

Persons taking Conveyances or Leases of Indian Lands, or occupying such Lands, forfeit 10s. per Acre.

IV. *PROVIDED nevertheless, that it shall and be lawful for the General Court of this Dominion to receive and examine the several Claims of George Shilling to three Hundred Acres of Land, of Michael Waldrop to ninety Acres of Land, and of the Heir of George Southerland, deceased, to two Hundred Acres of Land, all which Lands are said to be Part of the Lands laid out for the Pamunkey Indians; and if it shall appear to the said Court that the said Persons, or any of them, have as equitable Pretensions to the said Lands as those Persons had who have already obtained Patents for other Part of the Land laid out for the said Indians, then it shall be lawful for the Governour, or Commander in Chief of this Dominion for the Time being, by and with the Advice and Consent of the Council, to grant Patents to the several Persons before named (or so many of them as make the Equity of their Pretensions appear) for the said several Quantities of Land by them claimed respectively, if there shall be so much contained within their Bounds, but not for any greater Quantity, although their Bounds contain the same.*

Saving the Claims of George Shilling, Michael Waldrop, and the Heir of George Southerland.

V. *AND to the End no different Constructions may be made concerning the Sense and Meaning of a certain Clause contained in the aforesaid Articles of Peace, in these Words, "It is hereby concluded and established that no English shall seat or plant nearer than three Miles of any Indian Town,"*

Explanation of a Clause in the Articles of Peace, concluded May 29th, Anno 1677.

A. D. 1705.

Bounds of
Indian Towns,
seated on na-
vigable Rivers,
limited by the
River.

VI. *BE it enacted, by the Authority aforesaid, and it is hereby enacted, and declared,* that where an *Indian Town* is seated on or near a navigable River, and the *English* have already seated and planted within three Miles of the said Town, on the opposite Side of the River, the said Clause shall not be construed, deemed, or taken, to give the said *Indian Town* any Privilege on the said opposite Side, but in such a Case the Privilege of the said *Indian Town* shall be limited by the River.

Tributary In-
dians protected
as *English* Sub-
jects.

VII. *AND be it further enacted, by the Authority aforesaid, and it is hereby enacted,* that the *Indians* tributary to this Government shall be well secured and defended in their Persons, Goods, and Properties; and that whosoever shall defraud or take from them their Goods, or do Hurt or Injury to their Persons, shall make Satisfaction and be punished for the same according to Law, as if the *Indian* Sufferer had been an *Englishman*.

Shall have
Liberty of
oystering, &c.
by License
from a Justice
of Peace.

VIII. *AND be it further enacted, by the Authority aforesaid, and it is hereby enacted,* that the *Indians* tributary to this Government shall have and enjoy their wonted Conveniences of oystering and fishing, and of gathering on the Lands belonging to the *English* Tuckaho, Curtenemons, wild Oats, Rushes, Puckoon, or other Things not useful to the *English*, upon a License first had from a Justice of the Peace of the County where they come for those Purposes; and if any *Englishman* take from any of the said *Indians* any Goods, or kill, wound, or maim, any one of them, as they come in, whilst they tarry, or as they return, he shall be punished, and suffer as if he had done the same Thing to an *Englishman*.

But shall not
carry offensive
Arms, &c. nor
oyster, &c.
without Li-
cense.

IX. *PROVIDED always, and it is hereby meant and intended,* that the said *Indians* shall not bring with them any Guns, Ammunition, or offensive Weapons, but Tools only for their Use; that they shall not presume to oyster, fish, and gather Tuckaho, or other Things as aforesaid, without a License first had from a Justice of Peace as aforesaid; that the Justice in his License shall limit the Time of the *Indians* Stay, and that it shall not be lawful for the *Indians* to tarry beyond the Time limited.

Shall give
Notice of any
Approach of
foreign *Indians*
to the next Mi-
litia Officer;
and if they de-
sire Aid, Parties
of Militia may
be raised and
sent out with
them.

X. *AND be it further enacted, by the Authority aforesaid, and it is hereby enacted,* that all *Indian* Kings and Queens tributary to this Government, having the least Notice of a March of strange *Indians* near the *English* Quarters or Plantations, shall forthwith repair, or at least send one of their great Men, to the next Militia Officer, to acquaint him what they know of their Nation, Number, and Design, and which Way they bend their Course; and if the tributary *Indians* then desire any Aid against the strange *Indians*, the Colonel of the Militia in those Parts shall forthwith send out a convenient Party of the said Militia to join with them, for their better Defence and Security on that Occasion.

Shall march
and continue
with the *English*
when com-
manded.

XI. *AND be it further enacted, by the Authority aforesaid, and it is hereby enacted,* that all *Indians* tributary to, and under the Protection of, this Government, shall march with the *English* in Pursuit of foreign *Indians*, whenever they are thereunto commanded, and shall continue with the *English* in the said Pursuit as the Occasion requires.

Free Trade
with all In-
dians.

XII. *AND be it further enacted, by the Authority aforesaid, and it is hereby enacted,* that there be a free and open Trade for all Persons, at all Times, and at all Places, with all *Indians* whatsoever.

Sale of Rum
or Brandy pro-
hibited in In-
dian Towns, or
upon their
Lands.

XIII. *PROVIDED always, and be it enacted, by the Authority aforesaid,* that if any Person or Persons shall, after the Publication of this Act, sell, or offer to Sale, any Rum or Brandy within any Town of the tributary *Indians*,

or to any *Indian* upon any Land belonging to any such Town, every such Person or Persons so offending, and being thereof lawfully convicted before any Justice of the Peace of the County where the Offence shall be committed, shall forfeit and pay ten Shillings current Money for every Quart of Rum or Brandy so sold or offered to Sale as aforesaid, and so proportionably for a greater or lesser Quantity; one Moiety of which Fines shall be to her Majesty, her Heirs, and Successours, for and towards the Support of the Government of this Colony and the contingent Charges thereof, and the other Moiety to the Informer.

A. D. 1705.

On Penalty of
10 s. per Quart.

XIV. *PROVIDED nevertheless, and be it enacted*, that if any Person or Persons shall hereafter, at his or their own Charge, make Discovery of any Town or Nation of *Indians* situate or inhabiting to the westward of, or between, the *Appalatian* Mountains, in such Case it shall be lawful to and for the Governour, or Commander in Chief of this Dominion for the Time being, by and with the Advice and Consent of her Majesty's Council of State, by Charter or Grant, under the Seal of the Colony, to grant unto such Person or Persons so discovering as aforesaid, and to their Executors, Administrators, and Assigns, for the Space of fourteen Years then next coming, the sole Liberty and Right of trading to and with all and every such Town or Towns, Nation or Nations, of *Indians* so discovered as aforesaid, with such Clauses or Articles of Restraint or Prohibition of all other Persons from the said Trade, and under such Penalties and Forfeitures, as shall be thought convenient; which said Charter or Grant is hereby enacted and declared to be good and valid in Law, to the Intents and Purposes therein mentioned, and all and every Clause and Article thereof shall be observed, fulfilled, and obeyed, under the Penalties and Forfeitures therein to be contained. And if Occasion shall so require, the said Governour, or Commander in Chief, with the Advice and Consent of the Council as aforesaid, is hereby empowered, by such Charter or Grant as aforesaid, to make and constitute such Discoverers, and such other Persons as they shall desire, to be one Body Corporate and Politick, by such Name, in such Manner, and with such Liberties and Privileges, as shall appear to be necessary, for the better enabling them to make the most Benefit and Advantage of the said Trade, exclusive of all other Persons; any Thing in this Act contained to the contrary, or seeming to the contrary, in any Wise notwithstanding.

Governour
may, by Char-
ter, incorporate
Discoverers of
Indians situate
westward of
the Mountains,
with sole Liber-
ty of trading
for 14 Years,
&c.

XV. *AND be it further enacted*, that all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to the tributary *Indians*, or to a free and open Trade with all *Indians*, or any other Matter or Thing whatsoever within the Purview of this Act, except an Act made at a General Assembly held by Prorogation the eighteenth Day of *April* one Thousand seven Hundred and five, intituled *An Act concerning the Nansiattico and other Indians*, is and are hereby repealed, and made void, to all Intents and Purposes, as if the same had never been made.

All former
Laws relating
to *Indians* re-
pealed, except
an Act passed
in 1705 con-
cerning the
Nansiattico and
other *Indians*.

Signed by EDWARD NOTT, Esq; Governour.
BENJAMIN HARRISON, Speaker.

A. D. 1710.

At a GENERAL ASSEMBLY begun and held at the Capitol, in the City of *Williamsburg*, the 25th Day of *October*, in the 9th Year of the Reign of our Sovereign Lady ANNE, by the Grace of God of *Great Britain, France, and Ireland*, Queen, Defender of the Faith, &c. *Annoque Domini 1710.*

C H A P. I.

An Act for raising a publick Revenue, for the better Support of the Government of her Majesty's Colony and Dominion of Virginia. (a)

Preamble.

I. **W**HEREAS a great and continual Charge is required for the Maintenance of the Governour and several other Officers and Persons, as also for Forts and Fortifications, besides that there are many other contingent Expenses absolutely necessary for the Support of the Government of this her Majesty's Colony and Dominion,

Duty of 2s.
upon every
Hogshead,
Box, Chest,
Cafe, and Bar-
rel, of Tobacco.

And 2s. upon
every 500 lb.
of Tobacco
shipped in Bulk
to the Planta-
tions, and so
pro rata.

Doubts about
Tobacco of the
Growth of ano-
ther Place de-
termined.

Duty of
2s. 3d. per Tun
on Shipping.

II. *BE it therefore enacted, by the Lieutenant Governour, Council, and Bur-
gesses, of this present General Assembly, and it is hereby enacted, by the Authority
of the same, that for every Hogshead, Box, Chest, Cafe, or Barrel, of Tobacco,
which shall at any Time hereafter be shipped or laden on Board any Ship or
Vessel whatsoever within this Colony and Dominion, in Order to be exported
hence by Water to any other Port or Place whatsoever, there shall be paid by
the Shipper or Shippers thereof the Sum of two Shillings current Money of Great
Britain, and also for every five Hundred Pounds of Tobacco shipped or laden
on Board any Ship or Vessel, in Order to be exported, as aforesaid, in Bulk, to
any of her Majesty's other Plantations, the like Sum of two Shillings; and so, after
that Rate, for a lesser or greater Quantity.*

III. *AND for avoiding all Manner of Doubts which may hereafter arise con-
cerning the Payment of the Duty aforesaid, for Tobaccos of the Growth of
another Place, and shipped here, Be it enacted, by the Authority aforesaid, and
it is hereby enacted, and declared, that the true Intent and Meaning of this
Act is that the aforesaid Duty of two Shillings shall be paid for all Tobaccos
whatsoever shipped or laden on Board any Ship or Vessel within this Colony and
Dominion in Order to be exported hence, although the same were made in, and
imported or brought from, another Place.*

IV. *AND be it also further enacted, by the Authority aforesaid, and it is
hereby enacted, that every Ship or Vessel which shall at any Time hereafter be
entered in this her Majesty's Colony and Dominion, or any District or Port there-
unto belonging, in Order to unlade the Goods and Merchandises imported in her,
or in Order to lade and take on Board any Tobaccos, or other Goods or Mer-
candise whatsoever, for Exportation out of this Colony, shall pay for every
Tun which the said Ship or Vessel is of Burthen the Sum of one Shilling and
Threepence current Money of Great Britain for Port Duties.*

(a) See 32 Car. 2 (1680) Cap. 3.

V. *PROVIDED* always, and it is hereby enacted, and declared, that nothing in the aforesaid Clause contained shall be construed so as to charge any Ship or Vessel which at any Time hereafter shall arrive into this Colony and Dominion, and here unlade and relade, with Payment of the Port Duties two Times for the same; and that the true Intent and Meaning of this Act is that, in such a Case, the aforesaid Port Duties shall be paid no more than once for that Voyage.

A. D. 1710.

Ships not to be charged twice the same Voyage.

VI. *AND* be it further enacted, and declared, that all Ships and Vessels liable to the Payment of the Port Duties by this Act imposed shall be gauged and measured in Manner following, that is to say: Every Ship or Vessel shall be measured by the Length of the Gun Deck, deducting three Fifths of the greatest Breadth from Outside to Outside, and multiplying the Product by the Breadth from out to out (and not within Board) and that Product again by Half the said Breadth, and that Product divided by ninety four, which will give the true Contents of the Tunnage; according to which Method and Rule all Ships and Vessels shall be measured, and the said Port Duties thereby shall be computed and collected accordingly; any Custom, Practice, or Usage, to the contrary notwithstanding.

Method of measuring Ships.

VII. *AND* be it also further enacted, by the Authority aforesaid, and it is hereby enacted, that every Ship or Vessel which shall at any Time hereafter come into any Port, Creek, Harbour, or Road, within this Colony and Dominion, and shall be there entered, in Order to unlade and put on Shore Goods, Merchandises, Passengers, Servants, or Slaves, shall pay Sixpence per Poll for every Passenger, Servant, Slave, or other Person imported in her; the Mariners belonging to, and in actual Pay of, the said Ship or Vessel, and every of them, excepted.

Duty of 6 d. per Poll upon all Passengers, Servants, and Slaves.

VIII. *AND* to the End the aforesaid Imposition or Duty of Sixpence per Poll may be truly paid, according to the Intent of this Act, *Be it further enacted, by the Authority aforesaid, and it is hereby enacted*, that if any Master of a Ship or Vessel shall wittingly or willingly make a short Entry of the Number of Persons imported in his said Ship or Vessel, for which the Imposition or Duty aforesaid ought to be paid, he shall forfeit and pay ten Pounds current Money; one Moiety to our Sovereign Lady the Queen, her Heirs, and Successors, for and towards the better Support of this Government and the contingent Charges thereof, and the other Moiety to him or them that will inform or sue for the same, in any Court of Record within this Colony and Dominion, by Action of Debt, Bill, Complaint, or Information, wherein no Effoin, Protection, or Wager of Law, shall be allowed.

Penalty upon making a short Entry of the Number of Persons imported.

IX. *AND* be it further enacted, by the Authority aforesaid, and it is hereby enacted, that all and every of the Impositions or Duties aforesaid shall be paid to the respective Collectors or Officers which shall be appointed to receive the same, and shall be to our Sovereign Lady the Queen, her Heirs, and Successors, for ever, to and for the better Support of the Government of this her Majesty's Colony and Dominion of *Virginia*, in such Manner as is herein before expressed, and to and for no other Use, Intent, or Purpose, whatsoever.

Duties to be paid to Collectors to be appointed.

X. *AND* be it further enacted, by the Authority aforesaid, and it is hereby enacted, that for collecting and receiving all and every the Impositions or Duties aforesaid, the Governour, or Commander in Chief of this Colony and Dominion for the Time being, shall be and is hereby empowered and authorized, with the Advice of the Council, from Time to Time, and at all Times hereafter, to nominate, constitute, and appoint, such and so many Collectors, Receivers, or other Officers, as shall be found necessary, and to allow them such Salary, not exceeding ten per Cent. as shall be thought reasonable.

Collectors allowed Salary, not exceeding 10 per Cent.

A. D. 1710.

Masters of
Ships allowed
10 per Cent.
upon the Pay-
ment of the
Duties.

XI. AND for Encouragement to all Masters of Ships and Vessels, or other Persons who shall hereafter be concerned in the Payment of the Impositions or Duties aforesaid, to give in true Accounts, and to pay down the whole Duties of a Ship, in one entire Sum, either in Money or good and sufficient Bills of Exchange, to the Liking and Satisfaction of the Collector appointed to receive the same, *Be it enacted, by the Authority aforesaid, and it is hereby enacted,* that the Governour, or Commander in Chief of this Colony and Dominion for the Time being, be and is hereby further authorized and empowered, with the Advice of the Council, to give and allow to every Master of a Ship or Vessel, or other Person, which shall so do, such reasonable Allowance and Abatement of the Impositions or Duties aforesaid, not exceeding ten per Cent. as shall be adjudged fitting.

Privilege of
Virginia Ow-
ners.

13 Car. 2.
(1661) Cap. 12.
and 21 Car. 2.
(1669) Cap. 1.
and 22 Geo. 2.
(1748) Cap. 29.
S. 8.

XII. *PROVIDED* always, and it is hereby enacted, and declared, by the Authority aforesaid, for Encouragement to Virginia Owners, that every Ship or Vessel wholly and solely belonging to the Inhabitants of this Colony and Dominion shall have the Privilege of being allowed the aforesaid Duties or Impositions of two Shillings, and of one Shilling three Pence, accruing due upon her lading of Tobacco, and for her Port Duties, to the proper Use, Benefit, and Advantage, of her Owner or Owners; and every Collector or Receiver of the aforesaid Duties or Impositions is hereby required to allow the same accordingly unto the Master of every such Ship or Vessel upon his clearing, any Thing in this Act, or any other Act, Law, Usage, or Custom, to the contrary notwithstanding.

Proof of the
Property to be
made by the
Oath of one
of the Owners,
and certified to
the Collectors.

XIII. AND for Prevention of Frauds which may be used to obtain the Privilege aforesaid, *Be it also further enacted, and declared, by the Authority aforesaid,* that no Ship or Vessel whatsoever shall be accounted or taken to belong wholly and solely to the Inhabitants of this her Majesty's Colony and Dominion of Virginia until Proof thereof be made, by the Oath of one of her Owners, before the Governour, or Commander in Chief of this Colony and Dominion for the Time being, and his Testimonial thereupon had, under the Seal of the Colony, or until such Proof be made before the General Court, and a Certificate thereupon had from the Clerk of the said Court, under the Seal of his Office; and that no Collector or Receiver of the Impositions or Duties aforesaid, or either of them, shall allow to any Ship or Vessel whatsoever the aforesaid Privilege upon the Impositions or Duties aforesaid, or either of them, unless the Master of the said Ship or Vessel, at the Time he demands the same, shall produce Testimonial or Certificate as aforesaid, and also himself make Oath that he doth not know that any Part of the said Ship or Vessel doth belong to any Person whatsoever which is not an Inhabitant of Virginia, any Thing in this Act aforesaid to the contrary, or seeming to the contrary, notwithstanding.

XIV. *AND be it further enacted,* that all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to raising a publick Revenue for the better Support of the Government of this her Majesty's Colony and Dominion of Virginia, or to any other Matter or Thing whatsoever within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

A. D. 1710.

C H A P. II.

An Act to prevent the destroying and murdering of Bastard Children.

I. **W**HEREAS several lewd Women that have been delivered of Bastard Children, to avoid their Shame, and to escape Punishment, do secretly bury, or conceal the Death of, their Children; and after, if the Child be found dead, the said Women do allege that the said Child was born dead, whereas it falleth out sometimes (although hardly it is to be proved) that the said Child or Children were murdered by the said Women, their lewd Mothers, or by their Assent or Procurement: For preventing therefore of this great Mischief,

Preamble.

The Statute
21 Jac. Cap.
27. enacted.

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that if any white or other Woman, not being a Slave, after one Month next ensuing the End of this present Session of Assembly, be delivered of any Issue of her Body, male or female, which being born alive should by Law be a Bastard, and that she endeavour privately, either by drowning or secret burying thereof, or any other Way, either by herself or the procuring of others, so to conceal the Death thereof as that it may not come to Light, whether it were born alive or not, but be concealed, in every such Case the Mother so offending shall suffer Death, as in Case of Murder, except such Mother can make Proof, by one Witness at the least, that the Child whose Death was by her so intended to be concealed was born dead.

Mothers of
Bastard Child-
ren born alive,
endeavouring
to conceal the
Death of their
Bastards, by
drowning, pri-
vate Burial, &c.
guilty of Mur-
der, &c.

III. *AND to the End this Act may be made publick, Be it further enacted, by the Authority aforesaid,* that the same shall be read yearly on some Sunday in May, in all Parish Churches and Chapels within this Colony, by the Minister or Reader of each Parish, immediately after divine Service, under the Penalty of five Hundred Pounds of Tobacco for every Omission and Neglect therein; to be recovered, with Costs, by the Informer, in an Action of Case, wherein no Essoin, Protection, or Wager of Law, or more than one Imparlance, shall be allowed. And the Church-Wardens of every Parish are hereby required to provide a Copy of this Act, at the Charge of the Parish, under the Penalty of five Hundred Pounds of Tobacco; to be recovered in Manner aforesaid.

This Act shall
be yearly, in
May, read in
all Churches
and Chapels,
under Penalty
of 500 lb. of
Tobacco, &c.

Signed by ALEXANDER SPOTSWOOD, Esq; Governour.
PETER BEVERLEY, Speaker.

A. D. 1713.

ALEXANDER
SPOTSWOOD,
Esq; Govern-
our.

At a GENERAL ASSEMBLY begun and holden at *Williamsburg*, the 22d Day of *October*, 1712, in the 11th Year of the Reign of our Sovereign Lady ANNE, by the Grace of God of *Great Britain, France, and Ireland*, Queen, Defender of the Faith, &c. and thence continued, by several Prorogations, to the 5th Day of *November*, 1713, being the second Session of this present General Assembly.

C H A P I.

An Act for registering Births, Christenings, and Burials.

Preamble.

I. **W**HEREAS it is judged convenient that an exact and regular Account of all Persons who shall be born, christened, or buried, in this Colony, should be kept, and an Act, made at a Grand Assembly held at *James City* the twenty third Day of *March*, in the Year one Thousand six Hundred sixty two, requiring, among other Things, *Registers of Births and Burials* to be kept, hath for a long Time been refused, and the Method prescribed in the said Act hath not answered the End for which it was intended:

Notice of the
Birth of Chil-
dren shall be
given within
20 Days to the
Minister or
Clerk of the
Parish, on Pe-
nalty of 200lb.
of Tobacco.

II. *BE it therefore enacted, by the Lieutenant Governour, Council, and Bur-
gesses, of this General Assembly, and it is hereby enacted, by the Authority of the
same*, that from and after the twentieth Day of *April*, next after the End of this Session of Assembly, the Parents of every Child which shall be born free, or one of them, and the Master, Owner, or Overseer, of every Child which shall be born a Slave, shall, within twenty Days after the Birth of such Child or Children, give Notice, in Writing, of the Birth of such Child and Children, together with the Name of the Parents of such free born Child, and the Name of the Owner or Master of such Child born in Slavery, and shall distinguish whether such Child or Children be male or female, to the Minister of the Parish where such Child or Children shall be born; and if there shall be no Minister of the said Parish, then, and in such Case, the Notice shall be given, as aforesaid, to the Clerk of the said Parish, or of the Church or Chapel nearest to the Place where such Birth and Births shall be. And if any Parent of a Child born free, or the Master, Owner, or Overseer, of any Child which shall be born a Slave, shall neglect or refuse to give such Notice, within the Time herein before limited for doing thereof, every Parent, Master, Owner, and Overseer, so neglecting or refusing, shall forfeit and pay two Hundred Pounds of Tobacco for every Offence.

And of all
Persons who
shall die.

III. *AND be it also enacted, by the Authority aforesaid*, that from and after the said twentieth Day of *April* the Master or Mistress of every Family or House where any Person, being free, shall die, and the Master, Owner, or Overseer, of any Slave who shall die, shall, within twenty Days after the Death of such free Person or Slave, give Notice, in Writing, of the Death of such free

Person, and the Christian and Surname of such free Person, and of the Death of such Slave, and the Name or Names such Slave was called by, together with the Names of the Master or Owner of such Slave, to the Minister of the Parish where such free Person or Slave shall die; or if there shall happen to be no Minister of the said Parish, then the Notice of such Death shall be given, as aforesaid, to the Clerk of the said Parish, or to the Clerk of the Church or Chapel nearest to the Place where such free Person or Slave shall die. And if any Master or Mistress of any House or Family where any free Person shall die, or the Master, Owner, or Overseer, of any Slave dying, shall neglect or refuse to give Notice of such Death within the Time herein before for that Purpose limited and appointed, every Master and Mistress of such House or Family, and every Master, Owner, and Overseer, of such Slave so dying, who shall neglect or refuse to give such Notice, shall forfeit and pay two Hundred Pounds of Tobacco for every Offence.

A. D. 1713.

Penalty.

IV. *AND be it further enacted, by the Authority aforesaid, that from and after the said twentieth Day of April the Minister of every Parish within this Colony shall keep a fair and exact Register of all the Births and Deaths of the Persons within his Parish, of which Notice shall have been given to him, according to the Directions of this Act, as also of all Persons which shall be baptized by him; and the Clerk of every Parish Church or Chapel whereof there shall be no Minister shall keep a fair and exact Register of all the Births and Deaths of the Persons within the Parish or Place whereof he shall be Clerk, of which he shall have had Notice, in Manner as is above directed; in which said Register shall be expressed and distinguished the Names of the Persons which shall be born free, and of their Parents, and the Names of the Persons which shall be baptized, and the Names of the Master or Owner of the Slaves which shall be born, and whether such Slave be male or female; and also the Names of all Persons dying, together with the Names of the Master or Owner of the Persons dying in Slavery: A fair and true Copy of which Register, signed by the Minister or Clerk keeping the same, shall, on the twentieth Day of April, and on the twentieth Day of October, in every Year, by him be returned to the Office of the Secretary of this Dominion; for the keeping and returning of which said Register, as above directed, there shall be satisfied and paid to the Minister or Clerk respectively keeping the same three Pounds of Tobacco for every Person so registered. The Fee for registering of the Births and Christenings of all free Persons shall be paid by the Parent of such Child, and the Fee for registering the Births of all Slaves shall be paid by the Owner of such Slave; and the Fee for registering the Death of all free Persons shall be paid by the Person who shall give Notice of such Death, and the Fee for registering the Death of all Slaves shall be paid by the Owner of such Slaves, all which Fees for registering shall and are hereby declared to be distrainable. And if any Minister or Clerk shall neglect or refuse to keep or return such Register, in Manner before in this Act appointed, every Minister and Clerk so refusing or neglecting to keep or return such Register shall forfeit and pay two Hundred Pounds of Tobacco for every Month he shall refuse or neglect to keep or return the same.*

Minister or Clerk shall keep a Register of all Births and Deaths within the Parish, and of Persons baptized.

Method of registering.

Copy of the Register shall be returned to the Secretary's Office, in April and October, yearly.

Fee for every Person registered 3 lb. of Tobacco.

By whom payable.

May be levied by Distress.

Penalty on Neglect or Refusal to keep or return the Register.

V. *AND be it further enacted, by the Authority aforesaid, that one Moiety of all the Forfeitures and Penalties above by this Act inflicted and laid shall go and be to the Use of the Parish where the Person forfeiting the same shall reside at the Time such Forfeiture shall become due, the other Moiety to him or them who will inform or sue for the same, every of which Forfeitures and Penalties shall and may be recovered before one of her Majesty's Justices of the Peace.*

Penalties appropriated, and recoverable before a Justice of the Peace.

VI. *AND be it further enacted, by the Authority aforesaid, that this Act shall be publicly read in all Parish Churches and Chapels within this Colony twice in every Year, that is to say on some Sunday in March, and on some Sunday in September, immediately after divine Service, by the Minister, Reader,*

This Act to be read in Churches, &c. in March and September, yearly, under Penalty of 200 lb. of Tobacco.

A. D. 1713.

Church-Wardens shall provide a Copy, or forfeit 500lb. of Tobacco.

or Clerk, of each Parish, under the Penalty of two Hundred Pounds of Tobacco for every such Omission or Neglect; and the Church-Wardens of every Parish are hereby required to provide a Copy of this Act, at the Charge of the Parish: And every Church-Warden and Church-Wardens who shall neglect to provide such Copy shall forfeit and pay five Hundred Pounds of Tobacco, one Moiety of which said two Hundred Pounds of Tobacco, and of the said five Hundred Pounds of Tobacco, shall go and be to the Use of the Parish where such Forfeitures shall become due, the other Moiety to him or them who will inform or sue for the same.

Repeal of all former Laws relating to any Matter within this Act.

VII. *AND be it further enacted*, that all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to the registering Births, Christenings, or Deaths, or to the Fees given for the same, or any other Matter or Thing within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

Signed by ALEXANDER SPOTSWOOD, Esq; Governour.
PETER BEVERLEY, Speaker.

A. D. 1714.

ALEXANDER SPOTSWOOD, Esq; Governour.

At a GENERAL ASSEMBLY begun at the Capitol the 22d Day of *October*, in the 11th Year of the Reign of her late Majesty Queen ANNE, and in the Year of our Lord 1712, and thence continued, by several Prorogations, to the 16th Day of *November*, in the first Year of the Reign of our Sovereign Lord GEORGE, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. *Annoque Domini 1714*, and then held, pursuant to an Act of Assembly made in the 4th Year of the Reign of her said late Majesty, intituled *An Act for the continuing of General Assemblies, in Case of the Death or Demise of her Majesty, her Heirs, and Successours, &c.*

Ch. 4. 1705.

C H A P. I.

An Act for regulating and settling the current Rates of Gold Coin, and of British Silver Coin, in this Dominion. (a)

Preamble.

I. **W**HEREAS the Rates at which foreign coined Gold hath passed in this Colony have hitherto been unsettled, and some of them disproportionate to others of the same intrinsic Value, and all unequal to the coined Gold

(a) See 1 Geo. 2. (1727) Cap. 2. which settles the Value of foreign Silver Coin.

3 Geo. 3 (1762) Cap. 4. reducing the Value of the Gold Coin of the German Empire to 4 s. 3 d. the Pennyweight.

of Great Britain; wherefore, for ascertaining the Rates thereof, as near as may A. D. 1714.
be, at an equal Value,

II. *BE it enacted, by the Lieutenant Governour, the Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that the several Species of Gold Coin herein after mentioned and set down shall be current within this his Majesty's Colony and Dominion, in all Payments, for the discharging any Contracts, Bargains, or Debts, to be made or contracted after the Publication of this Act; and shall pass, be accounted, and received, at the following Rates, that is to say: All Pieces of *British* Gold Coin not milled, and all *Spanish* or *French* coined Gold, all Pieces of coined Gold of the Empire, all Chequins and *Arabian* Pieces of Gold, and Moidores of *Portugal*, and all lesser Pieces of that Species, shall pass and be current, according to their respective Weights, at and after the Rate of five Shillings the Pennyweight; and all Guineas shall pass and be current at twenty six Shillings a Piece, and the Half Guineas in Proportion.

Gold Coin
not milled 5 s.
per Penny-
weight.

Guineas 26 s.
each.

III. *AND* whereas the Silver Coin of *Great Britain*, called Sterling, doth now pass at a lower Rate in this Colony than the Coin of foreign Princes and States current here; for rectifying whereof,

So much of
these two
Clauses as re-
lates to Sterling
Silver is repea-
led by Ch. 2.
1727.

IV. *BE it enacted, by the Authority aforesaid,* that the several Pieces of Sterling milled Money called Crowns, Half Crowns, Shillings, and Sixpences, shall pass, be accounted, and received, in all Payments, for the discharging any Contracts, Bargains, or Debts, to be made or contracted after the Publication of this Act, at the Rate of five Shillings and tenpence for each milled Crown, and all Half Crowns, Shillings, and Sixpences, according to that Proportion; and that all old *British* Silver Coin, not milled, shall pass at the Rate of threepence three Farthings the Pennyweight. And if any Person or Persons whatsoever deny or refuse to take and receive the aforesaid Coins of Gold or Silver, or any of them, when offered or tendered in Payment of a Money Debt, contracted after the Publication of this Act, at the full Rate, Price, and Value, set by this Act, he, she, or they, so refusing, shall lose and forfeit to the Person offering or tendering the same such Sum or Sums of Money as he, she, or they, so refuse or deny to take; to be recovered by Action of Debt, or Information, in any Court of Record in this Dominion, wherein no Effoin, Protection, or Wager of Law, shall be allowed: And if the said Forfeiture shall be less than twenty Shillings, to be recovered before any Justice of the Peace of the County where the Refusal shall happen to be made.

Penalty on
refusing Money
at the Rates set
by this Act.

V. *AND be it further enacted, by the Authority aforesaid,* that if any Person or Persons shall, at any Time or Times hereafter, coin, counterfeit, falsify, or debase, any of the Coins above in this Act mentioned, or shall be aiding, consenting, or counselling therein, he, she, or they, so offending, and being thereof lawfully convicted, shall be deemed and adjudged as guilty of High Treason; and shall suffer such Pains, Penalties, and Forfeitures, as are inflicted and laid on Offenders in such Cases by the Laws of *England*.

Coining, &c.
High Treason.

VI. *PROVIDED* nevertheless, and it is hereby meant and intended, that nothing in this Act contained shall extend, or be construed to extend, to any Money Payment already due, to the Payment of any of the Revenues of his Majesty arising within this Colony, or to any Salaries payable out of the same, or to any Payment to be made for any Debt due on a Bill of Exchange protested, or on any Specialty expressed to be due in Sterling Money, or on any Debt contracted in *Great Britain*.

Exceptions.

VII. *PROVIDED* also, and it is hereby declared, that nothing in this Act contained shall extend, or be construed to extend, to restrain his Majesty from

Saving to the
Royal Prero-
gative.

A. D. 1714.

regulating or settling the several Rates of the said several Species of foreign Coins of Gold, or of *British* Coins of Gold or Silver, within this Colony and Dominion, in such other Manner, and according to such Rates and Values, as his Majesty, by his Royal Proclamation for that Purpose to be issued, or by his Royal Instructions to his Governour, or Commander in Chief of this Dominion for the Time being, shall from Time to Time judge proper and necessary.

C H A P. II.

An Act for erecting a Magazine.

Preamble.

I. **W**HEREAS our late Sovereign Lady Queen *Anne*, of her Grace and Bounty, was pleased to bestow a considerable Quantity of Arms and Ammunition for the Service of this Colony, which are in Danger to be embezzled and spoilt for Want of a convenient and proper Place to keep them in,

A Magazine to be built of Brick for keeping the Arms, Ammunition, &c. belonging to the King. Governour to direct the Building, and to issue his Warrant on the Treasurer for Payment of Money necessary for finishing the Work, not exceeding 200 l.

II. *BE it therefore enacted, by the Lieutenant Governour, the Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that as soon as conveniently it may be done there shall be erected and finished one good substantial House of Brick, which shall be called the Magazine, at such Place as the Lieutenant Governour shall think proper, in which Magazine all the Arms, Gunpowder, and Ammunition, now in this Colony, belonging to the King, or which shall at any Time hereafter be belonging to his Majesty, his Heirs, or Successors, in this Colony, may be lodged and kept; for the building and finishing which Magazine there shall be laid out and expended any Sum or Sums of Money, not exceeding two Hundred Pounds, to be levied and paid out of the Monies arising by the Duty on Liquors and Slaves, after the Monies already appropriated and ordered to be paid out of the said Duty are fully satisfied and paid: And the Honourable the Lieutenant Governour is hereby empowered and desired to order and direct the building the said Magazine, and to issue his Warrant from Time to Time on the Treasurer of this Dominion for the Payment of the Money hereby given.

And to appoint a Magazine Keeper.

His Salary, 20 l. per Ann. And an Armourer, with like Salary.

To be paid out of Monies arising by the Duties on Liquors and Slaves.

When the Virginia Indian Company shall be incorporated they shall pay to the Treasurer 100 l. towards reimbursing the Monies expended in Pursuance of this Act.

III. *AND be it further enacted, by the Authority aforesaid,* that so soon as the said Magazine shall be fit to receive therein the Arms and Ammunition it shall and may be lawful for the Lieutenant Governour, or the Governour or Commander in Chief of this Dominion for the Time being, to constitute and appoint a Person to look after and take Charge of the Magazine and the Ammunition which shall be lodged therein, which Person so appointed shall be called the Keeper of the Magazine, who shall have and receive the yearly Salary of twenty Pounds; and also to constitute and appoint one other Person to take Care of, keep clean, and mend, the Arms which shall be kept in the said Magazine, which Person shall be called the Armourer, who shall have and receive the yearly Salary of twenty Pounds: Which said Salaries of twenty Pounds hereby given to the Keeper of the Magazine, and to the Armourer, shall be paid and satisfied, yearly, out of the Monies arising by the said Duty on Liquors and Slaves, after the Monies already appropriated and ordered to be paid out of the said Duty shall be fully satisfied and paid.

IV. *AND be it further enacted, by the Authority aforesaid,* that when and so soon as there shall be a Company erected and incorporated by Charter, or Act of Assembly, by the Name of the *Virginia Indian* Company, or by any other Name, to trade with the *Indians* tributary to this Government, or foreign, such Company shall, before they be permitted to use or exercise their said Trade, pay to the Treasurer of this Dominion the Sum of one Hundred Pounds, in Part of

such Money as shall have been laid out and expended by the Directions of this Act for building and finishing the said Magazine. A. D. 1714.

Signed by ALEXANDER SPOTSWOOD, Esq; Governour.
PETER BEVERLEY, Speaker.

At a GENERAL ASSEMBLY begun and held at the Capitol, in the City of *Williamsburg*, on the 2d Day of *November*, in the 7th Year of the Reign of our Sovereign Lord GEORGE I. by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord 1720. A. D. 1720.
ALEXANDER SPOTSWOOD, Esq; Governour.

C H A P. I.

An Act for the more effectual preventing the tending of Seconds. (a)

I. **W**HEREAS the tending and making of Seconds is greatly prejudicial to the Staple of Tobacco, and the Laws made for preventing thereof have been evaded, and the Penalties therein given against Persons who shall be convicted of tending Seconds are found insufficient to restrain Persons from such undue Practices: For remedying such inconveniences for the future, and more effectual preventing the same, Preamble.

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that from and after the Publication of this Act whosoever shall weed, top, hill, succour, house, cure, strip, or pack, any Seconds, Suckers, or Slips, of Tobacco, or cause or suffer the same to be done, on or upon any Plantation, shall for every such Offence forfeit and pay, over and above the Penalties laid on such Persons who shall tend, or suffer to be tended, any Seconds, the further Sum of five Hundred Pounds of Tobacco for every Person above the Age of seven Years who shall dwell or reside, as also for every Person who was employed, on any such Plantation where the said Seconds, Suckers, or Slips, shall grow in that Year. Persons tending Seconds, Suckers, or Slips, &c. forfeit 500 lb. of Tobacco for every Tithable employed in the Crop, &c. besides all other Penalties.

III. *AND be it further enacted, by the Authority aforesaid, and it is hereby enacted,* that the Master or Owner of every Plantation whereon any Tobacco shall for the future be tended shall and do cut up and destroy, or cause or procure to be cut up and destroyed, all Stalks, Roots, and Suckers, from which any Plant shall be cut, in every Year, within twenty Days after the cutting of the said Plant or Plants; and that every such Master or Owner, who shall * refuse or neglect so to do shall forfeit and pay the Sum of two Hundred Pounds of Tobacco for every Person above the Age of seven Years who shall dwell, reside, or Owners of Plantations shall destroy Stalks, Roots, and Suckers, in 20 Days after cutting of the Plants, on Penalty of 200 lb. of Tobacco for every Person above 7 Years of Age residing on the Plantation.
* The Word refuse not in the Roll.

(a) See Act 4. Ann (1705) Cap. 12. with the Notes subjoined.

A. D. 1720.

work, on any such Plantation, in every of the said Years when such Offence shall be committed.

Overseers liable to the like Penalty for Breach of this Act.

IV. *PROVIDED*, that where any Person or Persons shall intrust his or their Plantation or Plantations, and the Servants and Slaves thereon, to the Management of an Overseer, being a Freeman, the Owner of such Plantation, Servants, and Slaves, shall not be liable to Prosecution for any Breaches of this Act; but such Overseer who shall weed, top, hill, succour, house, cure, strip, or pack, any Seconds, Suckers, or Slips of Tobacco, or cause or suffer the same to be done, or who shall neglect to cut up and destroy all Stalks, Roots, and Suckers, from which any Plant shall be cut, in every Year, within the said Space of twenty Days after the cutting off the said Plant or Plants, shall incur the several Penalties by this Act inflicted upon the Masters or Owners of the said Plantations for the several Offences afore mentioned.

Penalties appropriated.

V. *AND be it further enacted, by the Authority aforesaid*, that one Moiety of the several Fines or Forfeitures in this Act before mentioned shall be to our Sovereign Lord the King, his Heirs, and Successors, for and towards the better Support of this Government and the contingent Charges thereof, and the other Moiety to him or them that will sue or inform for the same; to be recovered, with Costs, by Action of Debt, Bill, Complaint, or Information, in any Court of Record in this his Majesty's Colony and Dominion, wherein no Effoin, Protection, or Wager of Law, shall be allowed, or any more than one Imparlance.

How to be recovered.

This Act to be read by the Sheriff at the Court-House of each County in June and July Courts annually, on Penalty of 500 lb. of Tobacco.

VI. *AND be it further enacted, by the Authority aforesaid*, that this Act shall be twice every Year publicly read at the Court-House of each County by the Sheriff or his Deputy, that is to say on the Days for holding the Courts in the Months of *June* and *July* respectively, under the Penalty of five Hundred Pounds of Tobacco for every Omission or Neglect; to be recovered, and disposed, in like Manner as the other Penalties herein before mentioned.

Signed by ALEXANDER SPOTSWOOD, *Esq;* Governour.
JOHN HOLLOWAY, *Speaker.*

A. D. 1722.

At a GENERAL ASSEMBLY begun and holden at *Williamsburg*, the 2d Day of *November*, Annoque Domini 1720, in the 7th Year of the Reign of our Sovereign Lord GEORGE, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and from thence continued, by several Prorogations, to the 9th Day of *May* 1722, being the second Session of this present General Assembly.

ALEXANDER
SPOTSWOOD,
Esq; Govern-
our.

C H A P I.

An Act to oblige Ships coming from Places infected with the Plague to perform their Quarantine. (a)

I. WHEREAS several Places in *Europe* are, and for some Time past have been, infected with the Plague, for preventing that Infection from being brought into this Dominion by Persons and Merchandises coming from such Places, by obliging all Persons concerned to perform their Quarantine, in such Manner as shall be, in Times of Infection, ordered by his Majesty's Lieutenant Governour, or by the Governour or Commander in Chief of this Colony and Dominion for the Time being, by and with the Advice and Consent of his Majesty's Council, and for punishing Offenders therein in a more expeditious Manner than at present can be in the ordinary Methods of the Law:

Preamble,

II. BE it enacted, by the Honourable Lieutenant Governour, the Council, and Burgeses, of this present General Assembly, and by the Authority of the same, that during the present Infection, and in all future Times, when any foreign Countries or Places shall be infected with the Plague, all Ships or Vessels coming into this Dominion of *Virginia*, from Places so infected, shall be obliged to make their Quarantine, in such Place and Places, for such Time, and in such Manner, as shall from Time to Time be directed for that Purpose by the Lieutenant Governour, or by the Governour or Commander in Chief of this Dominion for the Time being, by and with the Advice and Consent of his Majesty's Council; and that during the Time, and until the respective Ships shall be discharged, of such Quarantine, no Persons coming, or Goods imported in such Ship or Ships, shall come on Shore, or go on any other Ship, or be landed or put into any other Ship, Vessel, or Boat, in any Place within this Colony: Nor shall any Person go on Board any such Ship without License first had and obtained in Writing, under the Hand of such Person or Persons who shall be authorized and appointed to see such Quarantine duly performed. And that the said Ships, and the Persons and Goods coming and imported in, or going on Board the same, during the Time of Quarantine, and all Ships, Vessels, Boats, and Persons, receiving any Goods or Persons under Quarantine, shall be subject to such Orders, Rules, and Directions,

Ships, &c.
coming from
Places infected
with the Plague
shall perform
Quarantine,
until dis-
charged.

No Persons or
Goods shall be
landed during
the Time, nor
any go on Board
without Li-
cense. But the
Ships, Persons,
Goods, &c.
shall be subject
to Orders, &c.
published by
Proclamation.

(a) See 7. Geo. 3 (1766) Cap. 24. to compel Ships importing Convicts or Servants infected with the Gaol Fever, or Smallpox, to perform Quarantine.

A. D. 1722.

touching Quarantine, as shall be made by the Lieutenant Governour, or the Governour or Commander in Chief of this Colony and Dominion for the Time being, by and with the Advice and Consent of his Majesty's Council, and notified by Proclamation.

If any Captain, Passenger, or Seaman, quits the Ship, by going on Shore, or on Board any other Ship, &c. during the Time of Quarantine, the Ship &c. shall be forfeited to the Crown.

Officers may compel Persons quitting any Ship, &c. under Quarantine, to return on Board.

Penalty on Persons leaving their Ships, &c.

The Informer to be allowed, not exceeding one third Part;

and on Refusal of present Payment, one Month's Imprisonment.

Persons going on Board without Licence shall be compelled to stay there during the whole Time of Quarantine.

Officers may seize Boats, &c. belonging to the Ship.

And if any Person is permitted by the Officer to leave the Ship while under Quarantine, such Officer forfeits 100*l*.

III. *AND be it further enacted, by the Authority aforesaid*, that from and after the Publication of this Act if any Commander, or Master, or other Person, taking Charge of any Ship or Vessel so coming from any Place infected as aforesaid, shall himself, or shall permit or suffer any Seamen belonging to such Ship, or any Passenger therein, to quit such Ship or Vessel, by going on Shore, or by going on Board any other Ship, Boat, or Vessel whatsoever, during the Time of the said Quarantine, and until such Ship shall be discharged from Quarantine, without such License first had and obtained as aforesaid, then, and in all and every such Case and Cases, every such Ship and Vessel, with her Tackle, Apparel, and Furniture, shall be forfeited to his Majesty, his Heirs, and Successors, and shall and may be seized, sued for, and recovered, in the Court of Vice Admiralty in this Colony, to the Use of his Majesty, his Heirs, and Successors. And further, that if any Person or Persons whatsoever, who shall arrive in any Part or Place within this Colony, in any Ship or Vessel, which shall, by Reason of its coming from any foreign Country infected with the Plague, be obliged to perform Quarantine, shall, after the Publication of this Act, quit such Ship or Vessel, by coming on Shore, or by going on Board any other Ship or Vessel, before or while under such Quarantine, it shall and may be lawful for the Persons appointed to see the Quarantine duly performed to compel, and in Case of Resistance by Force and Violence to compel, such Person and Persons to return on Board such Ship, and there to remain during the Time of Quarantine; and such Person so leaving such Ship, and being thereof, after the Expiration of his Quarantine, convicted by the Oath of one or more credible Witnesses, before any one or more Justice or Justices of the Peace living near the Place where the Offence shall be committed, shall forfeit such Sum, not exceeding twenty Pounds, as such Justice or Justices shall adjudge; to be forthwith paid down into the Hands of such Justice or Justices, who are hereby empowered, according to his or their Discretions, to reward the Informer out of the same, not exceeding one third Part, and are hereby required to pay the Remainder, necessary Charges being deducted, to the Use of the Poor of the Parish where such Conviction shall be had: And in Default of such Payment, it shall be lawful for such Justice or Justices of the Peace to commit such Offender to the publick Gaol of the County where such Conviction shall be had, for any Time not exceeding one Month.

IV. *AND be it further enacted, by the Authority aforesaid*, that if any Person whatsoever, from and after the Publication of this Act, shall presume to go on Board, and return from, any such Ship or Vessel so required to do Quarantine, before or during the Time of such Quarantine, without such License as aforesaid, every such Offender shall and may be compelled, and in Case of Resistance may by Force and Violence be compelled, by the Persons appointed as aforesaid, to return on Board such Ship, and there to remain during the Time of her Quarantine; and the Master of such Ship is hereby obliged to keep and maintain such Person on Board accordingly.

V. *AND be it further enacted, by the Authority aforesaid*, that it shall and may be lawful for any Officer of the Customs, or others who shall be directed to take Care that such Quarantine be duly performed, to seize any Boat or Skiff belonging to such Ship or Vessel, or which shall be therewith found, and to detain the same until such Quarantine shall be performed; and in Case any such Officer, or other Person so intrusted as aforesaid, shall voluntarily suffer any Seaman belonging to such Ship or Vessel, or any Passenger therein, to quit such Ship or Vessel while under Quarantine, every such Offender shall forfeit the Sum of

one Hundred Pounds, one Moiety thereof to his Majesty, his Heirs, and Successors, for and towards the Support of this Government and the contingent Charges thereof, and the other Moiety to the Person or Persons who shall inform or sue for the same, in any Court of Record within this Colony, to be recovered with Costs of Suit.

A. D. 1722.

VI. *AND be it further enacted, by the Authority aforesaid, that the Persons appointed to see the said Quarantines performed, in the several Counties adjoining to the Places where the Quarantines are or shall be appointed to be performed, do, and they, or any one or more of them, are hereby required, forthwith, and from Time to Time, when Quarantine shall be appointed to be performed, to cause Watches to be kept, both Day and Night, in the most proper and convenient Places within the several adjacent Parishes, with strict Orders to them, and they are hereby required, not to permit or suffer any Person whatsoever to come on Shore from, or go on Board, any Ships under Quarantine, except such only as have, or shall have, the Charge of seeing the Quarantine duly performed, or as shall be licensed, as aforesaid.*

Watches to be kept Day and Night.

VII. *AND it is further enacted, that after Quarantine shall have been duly performed by any Ship or Vessel, and the Person or Persons therein, according to the Proclamation to be issued by the Lieutenant Governour, or the Governour or Commander in Chief of this Colony for the Time being, with the Advice and Consent of the Council as aforesaid, and this Act, and upon Proof to be made, by the Oaths of the Master or other Person having the Charge of the said Ship, and of two of the Persons belonging to such Ship or Vessel, before any Officer of the Customs of this Colony of the Port or Place where such Quarantine shall be performed, or before any other Person to be appointed to see such Quarantine performed (who are hereby authorized and required to administer such Oath) that such Ship or Vessel, and all and every the Person and Persons therein, have duly performed the Quarantine as aforesaid, and that the Ship or Vessel, and all the Persons on Board, are free from Infection, then, and in such Case, such Officer of the Customs, or other Person to be appointed as aforesaid, are hereby required to give a Certificate thereof; and thereupon such Ship or Vessel, and all and every Person and Persons therein and thereunto belonging, shall be liable to no further Restraint or Detention during that Voyage, by Reason of any Matter or Thing contained in this Act.*

After Performance of Quarantine, &c. the Ship, &c. shall be released.

VIII. *PROVIDED nevertheless, and it is hereby enacted, that the Goods imported in such Ships shall, after such Quarantine performed, be opened and aired, in such Place or Places, and for such Time, as shall be directed by such Proclamation as aforesaid.*

But Goods imported shall be opened and aired.

CHAP. II.

An Act for enforcing and rendering more effectual the Treaties already made, or hereafter to be made, with foreign Indians. (a)

I. **W**HEREAS the *Indians* of the *Five Nations*, and others their Dependents, having Wars with divers Nations of southern *Indians*, for many Years past have taken their Marches along the Frontiers of this Colony, and many Robberies and other Hostilities have been committed by their Parties, to the great Damage and Disturbance of the Inhabitants in the said frontier Settlements; and whereas, for preventing the like Injuries for the future, several Treaties have been set on Foot with sundry of the *Indian Nations* inhabiting

Preamble.

(a) See 4 Ann. (1705) Cap. 14.

A. D. 1722.

Preliminary
Articles of a
Treaty of
Peace con-
cluded at Al-
bany.

within the Limits of his Majesty's Plantations to the northward of this Dominion, as well for restraining the said *Indians* within certain Limits in their Marches and Huntings, as for preventing any Combinations between them and the *Indians* tributary to this Government, which might prove prejudicial to the publick Peace; and more especially certain preliminary Articles having been proposed on the Part of this Government, and agreed to by the *Indians* of the *Five Nations*, whereby the said *Five Nations* have solemnly and faithfully promised that none of their *Indians* shall, at any Time hereafter, cross *Potomack* River, nor pass to the eastward of the great Ridge of Mountains, without a License or Passport from the Governour of the Province of *New York* for the Time being, and on the other Hand the *Indians* tributary to this Government have in like Manner solemnly engaged that none of them shall pass over *Potomack* River, or go to the westward of the same great Ridge of Mountains, without the License or Passport of the Governour of this his Majesty's Colony and Dominion for the Time being, which said Preliminaries are now intended to be speedily ratified, in a Treaty intended to be had between Commissioners from this Government and the said *Five Nations* at *Albany*: For the better enforcing and rendering more effectual the said Preliminaries, and such other Treaty as shall hereafter be entered into for the Security of his Majesty's Subjects inhabiting this Dominion,

After Ratifi-
cation of the
Treaty no tri-
butary *Indians*
shall cross *Poto-
mack* River, or
pass westward
of the great
Ridge of
Mountains,
without License
from the Go-
vernour of *Vir-
ginia*.

Offenders a-
gainst this Act
punishable by
Death or Trans-
portation, and
may be killed,
or sold for
Slaves, &c.

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that from and after the Ratification of the present intended Treaty at *Albany* it shall not be lawful for any *Indian* or *Indians* tributary to this Government to cross *Potomack* River, nor pass the great Ridge of Mountains lying westward of the inhabited Parts of this Colony, without a License or Passport first had and obtained from the Governour, or Commander in Chief of this Dominion for the Time being, under the Seal of the Colony, containing the Number of the *Indians* so licensed, and the Occasion for which the same shall be granted; and if any *Indian* or *Indians* tributary to this Government shall, after the Time aforesaid, presume to pass to the northward of *Potomack* River, or to the westward of the great Ridge of Mountains, or shall go in greater Numbers than are particularly mentioned in such License, every *Indian* and *Indians* so offending, and being thereof convicted, shall suffer Death, or be transported to the *West Indies*, there to be sold as Slaves, as shall be awarded by the Court hereby appointed for Trial of the said Offences. And if any such tributary *Indian*, departing out of the Limits aforesaid, without such Pass as is afore mentioned, shall there happen to be killed, either by foreign *Indians*, or by any of his Majesty's Subjects inhabiting the Parts or Places beyond the said Limits, or shall be by either of them taken up and transported or sold, no Reparation or Satisfaction shall be demanded by this Government for such killing or Transportation.

No *Indians* of
the *Five Nations*
shall pass south-
ward of *Poto-
mack* River, or
eastward of the
Ridge of
Mountains,
without a Pass-
port from the
Governour of
New York, un-
der the like
Penalties.

III. *AND be it further enacted, by the Authority aforesaid, that none of the Indians of the Five Nations shall, from and after the Ratification of the present intended Treaty at Albany, be permitted to hunt or travel in or through any Part of this Dominion lying on the south Side of Potomack River, or on the east Side of the said great Ridge of Mountains, without the License or Passport of the Governour or Commander in Chief of the Province of New York for the Time being; and if any of the said Indians of the Five Nations shall, from and after the Time aforesaid, be found travelling, hunting, or ranging, within the Limits herein before mentioned, without such License or Pass, every Indian or Indians so offending shall incur the like Penalties as are herein before inflicted on the tributary Indians.*

* May not in
the Roll.

IV. *AND be it further enacted, by the Authority aforesaid, that it shall and may * be lawful to and for the Governour or Commander in Chief of this Do-*

minion, and his Majesty's Council, or any five of them (whereof the said Governour or Commander in Chief to be one) to hold a Court at any Time, or at any Place within this Colony where such Governour or Commander in Chief shall appoint, to hear and determine all Offences against this Act, and to take for Proof the Oath of one or more credible Witnesses, or such *Indian* Testimony, or pregnant Circumstances, as shall be convincing, and to proceed thereon without the Solemnity of a Jury.

A. D. 1722.

Governour and Council may hold Court for Trial of Offenders against this Act.

V. *AND* be it further enacted, by the Authority aforesaid, that when any such *Indian* shall be condemned to Death there shall be paid to the Person taking up such *Indian* the Sum of one Thousand Pounds of Tobacco, to be paid by the Publick, for each *Indian* so by him taken up; and if such *Indian* shall be condemned to Transportation, the taker up shall have the Benefit of selling and disposing of the said *Indian*, and have and receive to his own Use the Money arising by such Sale.

Premium for taking up Offenders.

VI. *PROVIDED* always, and be it enacted, that where the Governour, or Commander in Chief of this Dominion for the Time being, shall find any of the Offenders against this Act fit Objects of Mercy, it shall and may be lawful for him, with the Advice and Consent aforesaid, to mitigate such Punishment, or totally to remit the same, and send the Offender or Offenders back to his or their Nation, as shall be most conducive to the Service and Interest of this Colony.

But Governour and Council may mitigate or remit the Punishments, &c.

VII. *AND* be it further enacted, by the Authority aforesaid, that all and every Nation of *Indians* who shall hereafter become Tributaries to this Government, and all and every Nation of foreign *Indians*, who shall at any Time hereafter, by Treaty with this Government, agree to be confined to certain Limits and Bounds in their hunting or travelling, shall be liable to the like Punishments and Penalties for departing out of the same; and the Governour, or Commander in Chief of this Dominion for the Time being, with the Advice and Consent of the Council, shall have the same Powers and Authorities of punishing or pardoning the said Offences committed by such *Indians* as are herein before inflicted, directed, or given.

All *Indians*, who hereafter become Tributaries, or agree to Bounds and Limits, &c. liable to the Punishments inflicted by this Act.

Nota. A Copy of this Act was delivered to the great Men of the *Five Nations*, under the Seal of the Colony, at the Treaty at Albany in September 1722, and by them ratified.

Signed by ALEXANDER SPOTSWOOD, Esq; Governour.
JOHN HOLLOWAY, Speaker.

A. D. 1723.

HUGH DRYSDALE, Esq;
Governour.

At a GENERAL ASSEMBLY summoned to be held at *Williamsburg*, the 5th Day of *December*, Anno Domini 1722, in the 9th Year of the Reign of our Sovereign Lord GEORGE, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and by Writ of Prorogation begun and holden on the 9th Day of *May* 1723.

C H A P. I.

An Act for enlarging the Jurisdiction of the Court of Hustings, in the City of Williamsburg, within the Limits thereof. (a)

Preamble.

* These words, viz. under the Seal of this your Reign, are in the Roll, and are supposed to be superfluous.

Recital of a Charter for incorporating the Inhabitants of *Williamsburg*, dated July 28, 1722.

I. **W**HEREAS your Majesty by your Letters Patents, bearing Date the twenty eighth Day of *July*, in the eighth Year of your Reign,* under the Seal of this your Majesty's most ancient Colony and Dominion of *Virginia*, hath been graciously pleased to grant unto the Inhabitants of *Williamsburg*, your Majesty's chief Town in the said Colony, that the same shall be a City incorporate, consisting of a Mayor, one Person learned in the Law, stiled and bearing the Office of Recorder of the said City, six Aldermen, and twelve Common Council Men, of the said City; and, among other Things, your Majesty hath been pleased, by your said Royal Charter, to grant that the said Mayor, Recorder, and Aldermen, and their Successours, or any four or more of them (of which the said Mayor, Recorder, or the last preceding Mayor, shall be one) shall hold a Court of Hustings once in every Month within the said City, and shall have Jurisdiction, and hold Plea of Trespas and Ejectment, and of all Writs of Dower, for any Lands and Tenements within the said City, and of all other Actions personal and mixed arising within the said City; and as a Court of Record may give Judgment, and award Execution thereon, according to the Laws and Statutes of *England*, and of the said Colony, provided the Demands in the said Action personal or mixed do not exceed twenty Pounds current Money, or four Thousand Pounds of Tobacco; and whereas the Peace and good Government of the said City do very much depend upon a due Regulation of the Ordinaries and Publick Houses, and the well ordering of Servants and Apprentices, within the said City, whereof the said Court hath not at present competent Jurisdiction: May it therefore please your Most Excellent Majesty that it be enacted,

II. *AND* be it enacted, by his Majesty's Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and by the Authority of the same, that from and after the passing this Act the said Court of Hustings shall have the same Power over the Ordinaries and Publick Houses within the said City, as well in granting Licenses as in any other Matter or Thing, and shall and may hear and determine all Complaints of Masters, Servants, and Apprentices, within the said City, in the same Manner as the Courts of the Counties of *York* and *James*

(a) See Act 4. Ann. (1705) Cap. 9. and Notes subjoined,

City respectively now have or do, any Act heretofore made to the contrary *A. D. 1713.* notwithstanding,

III. AND for the more easy and speedy proceeding in the Examination and Commitment of Persons committing capital Crimes, or other Offences, triable in the General Court, within the said City, *Be it further enacted, by the Authority aforesaid,* that it shall and may be lawful to and for the Mayor, Recorder, and Aldermen, of the said City, or any three of them (whereof the said Mayor, Recorder, or last preceding Mayor, shall be one) to take the Examination of any Person or Persons whatsoever suspected of having committed any capital Crime, or other Offence, triable in the General Court, or Courts of *Oyer and Terminer*; and upon such Examination, if they see Cause, by Mittimus under their Hands, to commit such Offender or Offenders to the publick Gaol of the said City (and the Keeper thereof is hereby required to receive the Body of such Offender so * committed) or by Recognizance to bind such Offender or Offenders personally to appear before the next General Court on the fourth Day thereof, or the next Court of *Oyer and Terminer*, and not to depart thence without Leave of the said Courts respectively, and also to summon and bind all such Person or Persons as they shall think to be material Witnesses against such Offender or Offenders to appear personally before the said General Court on the said fourth Day, or the said Court of *Oyer and Terminer*, then and there to give Evidence against such Offender or Offenders.

* Committing in the Roll.

IV. AND whereas it may happen that the chief Magistrates, and other Inhabitants of the said City, may be listed and compelled to serve under the Command of the Officers of the Militia in the Counties of *James City* and *York* respectively, without the said City; and forasmuch as the same may be very inconvenient, and may render the Governour's House, publick Magazine, and Capitol, in the said City, defenceless in Times of Danger: *Be it further enacted, by the Authority aforesaid,* that no Inhabitant of the said City, capable of serving in the Militia, shall hereafter be compellable to make his † or their Appearance at any Muster of the Militia hereafter to be had or taken out of the said City; but all and every such Inhabitant and Inhabitants (except the Mayor, Recorder, and Aldermen, of the said City) shall be listed and trained according to the Laws of this Colony, under the Command of one or more Person or Persons of the principal Inhabitants of the said City as shall be thereunto commissioned by the Governour, or Commander in Chief of this Colony for the Time being: And such Persons so listed and trained shall not be compelled to go out of the said City on any military Service without the expresse Order of the Governour, or Commander in Chief of the said Colony and Dominion for the Time being; or, in his Absence, without the Order of the said Mayor, Recorder, and Aldermen, or the major Part of them. And the said Mayor, Recorder, and Aldermen, or the major of them, in their said Court of Hustings, (a) upon the Complaint of any Officer or Officers appointed to command the Militia within the said City, and upon sufficient Proof, shall and may give Judgment against any Person or Persons, listed under the Command of such Officer or Officers, for the Fines which such Person or Persons shall be liable to by Means of his or their not appearing, or not doing his or their Duty, at any Muster, or upon any other Service within the said City; and may also issue Warrants for levying such Fines as the Officers of the Militia, in the respective Counties of this Colony, may or do.

† To in the Roll.

(a) By 30 Geo. 2. (1757) Cap. 1. Sect. 25. the Colonel and other Officers in *Williamsburg* to hold Courts Martial.

AND this Act is hereby declared to be a publick Act, and as such shall be construed, deemed, and taken.

This Act declared a publick Act.

Signed by HUGH DRYSDALE, Esq; Governour.
JOHN HOLLOWAY, Speaker.

A. D. 1727.

WILLIAM
GOOCH, Esq;
Governour.

At a GENERAL ASSEMBLY begun and held at *Williamsburg*, the 1st Day of *February*, in the first Year of the Reign of our Sovereign Lord GEORGE II. by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord 1727.

C H A P I.

An Act for the better securing the Payment of Levies, and Restraint of vagrant and idle People; and for the more effectual Discovery and Prosecution of Persons having Bastard Children; and for making better Provision for the Poor. (a)

Preamble.

I. **W**HEREAS divers idle and disorderly Persons, having no visible Estates or Employments, and who are able to work, frequently strole from one County to another, neglecting to labour, and either failing altogether to list themselves as Tithables, or by their idle and disorderly Life rendering themselves incapable of paying their Levies when listed: For Remedy whereof, for the future,

No Inhabitant of this Colony shall entertain any tithable Person without a Certificate from the Parish where he or she before resided.

Penalty, 200 lb. of Tobacco, or 20 s. current Money, to the Informer; recoverable before a Justice of Peace.

Penalty on Persons not having Certificates.

Description of Vagabonds.

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same*, that it shall not be lawful to and for any Inhabitant of this Colony to entertain, hire, or employ, in his or her House, above the Space of forty eight Hours, any Person or Persons whatsoever, being tithable, and removing from the Parish where he or she formerly resided, unless the Person so to be entertained, hired, or employed, shall first produce a Certificate, under the Hands of the Sheriff of the County, or Church-Wardens, or other Persons collecting the Levy of the Parish from whence he or she came, that such Persons paid Levy there for the preceding Year, or that he or she came into this Colony since, or was a Servant at the Time of taking the last List of Tithables; and if any One shall entertain, hire, or employ, any Person or Persons whatsoever, being tithable, not having such Certificate as aforesaid, he or she so offending shall forfeit and pay two Hundred Pounds of Tobacco, or twenty Shillings current Money, to the Informer, and so, *toties quoties*, for every such Offence, to the Informer, to be recovered before any Justice of the Peace of the County where such Offence shall be committed: And if any Person, being tithable, not having such Certificate, shall offer to hire him or herself, or seek to be employed in Labour, or otherwise, every such Offender shall be subject to the like Penalties and Forfeitures as Persons not listing themselves as Tithables are liable and subject to.

III. *AND be it further enacted, by the Authority aforesaid*, that all Persons able in Body, and fit to labour, and not having wherewithal otherwise to maintain themselves, who shall be found loitering, and neglecting to labour for the usual and common Wages; and all Persons who run from their Habitations, and

(a) This Act, from Sect. 1. to the End of Sect. 11. is repealed, and provided for by Chap. 12. and 13. 1748.

leave either Wives or Children, without suitable Means for their Subsistence, whereby they are like to become burthensome to the Parish wherein they inhabit; and all other idle, vagrant, or dissolute Persons, wandering abroad, without betaking themselves to some lawful Employment, or honest Labour, or going about begging, shall be adjudged and deemed Rogues and Vagabonds.

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IV. *AND be it further enacted*, that if any Person, by this Act declared to be a Vagabond, shall be found in any Parish or Place wandering, begging, or misordering him or her self, it shall and may be lawful for any Justice of the Peace of that County, and he is hereby empowered and required, by Warrant under his Hand, to cause such Vagabond to be brought before him, and to examine, and to inform himself, as well by the Oath and Examination of the Person so apprehended as of any other Persons (which Oath or Oaths the said Justice is hereby authorized to administer) and by any other Ways and Means he shall think most proper, of the Condition and Circumstances of the Person or Persons so apprehended, and if it shall appear that such Person or Persons are under the Description of Vagabonds within this Act, the said Justice shall order and direct such Vagabond to be conveyed, from Constable to Constable, to the Parish wherein his Wife or Children do inhabit, or where he or she did last reside, as the Case is, and there delivered to a Justice of the Peace of such Parish, who is hereby required to cause every such Vagabond to give good and sufficient Security for his or her good Behaviour, and for betaking him or her self to some lawful Calling or honest Labour; and in Case of Refusal to give such Security, then the said Justice is hereby empowered and required to commit every such Person to the common Gaol of the County, there to remain until the next Court. And the said Court is hereby empowered (if no Security shall be then offered) to bind every such Vagabond to Service, on Wages, for the Space of one Year, or to order him or her to receive twenty five Lashes on his or her bare Back, well laid on, at the common Whipping Post, at the Choice of such Vagabond; but if such Vagabond be of such ill Repute that no One will receive him or her into Service, in that Case the Court of the County shall order him or her to receive thirty Lashes, well laid on, as aforesaid: And in both Cases of whipping to be discharged; and so, *toties quoties*, for every Offence of Vagrancy whereof he or she shall thereafter be found guilty, as aforesaid. And where any Person shall, in Pursuance of this Act, be bound out to Service, the Wages of such Servant, after Payment of the Charges of the Prosecution, shall be applied towards the Support of the Family (if any) of such Servant, or otherwise to be paid to the Person so bound, after his or her Time of Servitude is expired, in full of all other Reward which he or she might claim for such Service.

Justice of the Peace to issue his Warrant for apprehending Vagabonds.

And after Examination shall order them to be conveyed to the Parish of their last Residence, and there delivered to a Justice of that Parish, to be bound to be of good Behaviour, &c.

And on Refusal to give Security shall be committed to Gaol until next Court, and shall then be bound to Service for one Year, or receive 25 Lashes; but if no Person will receive such Vagabond into Service, 30 Lashes.

Wages for such Service how to be disposed of.

V. *AND* whereas many Controversies and Disputes have arisen concerning what shall be accounted a legal Settlement, whereby any Person may be entitled to be provided for at the Charge of any Parish,

VI. *BE it enacted, and declared, by the Authority aforesaid*, that no Person hereafter shall be accounted an Inhabitant, so as to have gained a legal Settlement in any Parish, until such Person shall have been actually resident in such Parish one whole Year.

No Person shall be accounted an Inhabitant of any Parish before one Year's Residence therein.

VII. *AND be it further enacted, by the Authority aforesaid*, that it shall and may be lawful to and for any Justice of the Peace, upon Complaint made to him by the Church-Wardens of any Parish or Parishes that any poor Person or Persons hath or have come into the said Parish who is or are like to become chargeable thereto, by Warrant under his Hand, to cause such poor Person to be removed to the Parish where he or she was last legally settled; but if such poor Person be so sick or disabled that he or she cannot be so removed, without Danger of his or her Life, the Church-Wardens of the Parish where such sick Person shall be shall and are hereby empowered and required to provide for

On Complaint made by the Church-Wardens, any Justice of Peace may cause poor Persons to be removed to their own Parishes.

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In Case of
Sickness the Pa-
rish to which
such Poor be-
long shall pay
for the Mainte-
nance, Cure,
and Removal.

Every
Church-War-
den refusing to
receive such
Poor belonging
to his Parish
forfeits 20l.
current Money;
one Moiety to
the King, for
the Use of the
Poor, the other
to the Informer.

Vestry re-
fusing to pay
the Charges ex-
pended, in that
Parish from
whence the Re-
moval is made,
the County
Court may give
Judgment a-
gainst the Ves-
trymen so re-
fusing.

him or her, at the Charge of the said Parish, until he or she can with Safety be removed, and when such Person shall recover shall cause him or her to be conveyed as aforesaid. And the Parish wherein such poor Person was last legally settled shall refund and pay all the Charges which shall be occasioned by such Sickness, or the Cure thereof, and also for the Maintenance of such poor Person, during such Sickness, and removing him or her; and if the Church-Warden or Church-Wardens of the Parish which ought to provide for such poor Person shall refuse to receive and provide for him or her upon the Justice's Warrant as aforesaid, every Church-Warden so refusing shall forfeit and pay twenty Pounds current Money, one Half to our Sovereign Lord the King, to and for the Use of the Poor of that Parish from whence the Removal was made, and the other Half to such Person as shall inform or sue for the same, in any Court of Record within this Dominion, to be recovered, with Costs, and one Attorney's Fee: And if the Vestry of the Parish where any such poor Person was legally settled shall refuse to satisfy, refund, and pay, unto the Church-Wardens of that Parish from whence such poor Person was removed, all the Charge of maintaining such poor Person, during his Sickness or Disability, together with all other Charges expended in his Cure, being duly proved before the Court of the County wherein such Parish shall lie, then, and in such Case, it shall and may be lawful to and for the Court of that County wherein the Parish liable to the Payment thereof shall lie, upon Petition to them exhibited, to assess the said Charge upon the Vestrymen so refusing, and to cause the Sheriff to levy the same, together with the Costs of the Petition and Judgment, by Distress; and to pay the same to the Church-Wardens of the Parish aggrieved, to and for the Use of the said Parish.

VIII. AND whereas Masters of Ships frequently bring into this Colony sick and disabled Sailors, and turn them on Shore, without any Means of Subsistence, whereby they become chargeable to the Parish wherein they are so landed: For Prevention whereof, for the future,

Masters of
Ships who shall
turn on Shore
sick or disabled
Sailors, without
Means of Sub-
sistence, forfeit
20l. current
Money, and
liable for all
Charges of
Maintenance
and Cure.

IX. *BE it enacted, by the Authority aforesaid,* that if any Master of a Ship or Vessel shall, after the passing of this Act, turn away from the Service of such Ship or Vessel any sick or disabled Sailor or Sailors, without taking due Care for his or their Maintenance and Cure, every such Master shall forfeit and pay ten Pounds current Money to the Church-Warden or Church-Wardens of the Parish wherein such disabled Sailor shall be put on Shore; to be recovered, with Costs, by Action of Debt, Bill, Complaint, or Information, in any Court of Record within this Dominion, and applied to the Use of the Poor of the said Parish: And, moreover, shall be liable to the Action of the Church-Wardens of that or any other Parish to which such sick or disabled Sailor shall become chargeable for all Expenses which shall be laid out for the Maintenance and Cure of such Sailor during his Sickness, in which Action no Act or Statute of Limitation shall be pleadable.

For educating
the Children of
the Poor,

X. AND for preventing the Inconveniences which happen through the Neglect or Inability of many of the poorer Sort of Inhabitants to bring up their Children in an honest and orderly Course of Life,

Church-
Wardens may
bind out to Ser-
vice any Chil-
dren whose Pa-
rents are in-
capable, or
neglect their
Instruction.

XI. *BE it enacted, by the Authority aforesaid,* that if it should happen that the Parent or Parents of any Child or Children, upon due Proof before the Court of the County wherein such Parent or Parents inhabit, shall be adjudged incapable of supporting and bringing up such Child or Children, by Reason of his, her, or their idle, dissolute, and disorderly Course of Life, or that they neglect to take due Care of the Education and Instruction of such Child or Children in Christian Principles, that then it shall and may be lawful, upon Certificate from the said Court, to and for the Church-Wardens of the said Parish where such Child or Children shall inhabit, to bind out, or put out to Service

or Apprentice, such Child or Children, for such Time or Term, and under such Covenants, as hath been usual and customary, or the Law directs in the Case of Orphan Children.

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(a) XII. AND whereas divers lewd Women, being got with Child of Bastards, do oftentimes, before their Delivery, absent and remove themselves from their usual Places of Abode, and abscond in other Counties, and sometimes remove into other Colonies, until the Time of their Delivery, and then return to their former Habitations, whereby the Laws made to punish such Offences are evaded, and the due Course of Justice for obliging the reputed Fathers of such Bastards to provide for their Maintenance often obstructed and prevented: For Remedy whereof, for the future,

For Discovery of lewd Women having Bastard Children.

XIII. BE it enacted, by the Authority aforesaid, that whensoever hereafter any lewd Woman shall be delivered of a Bastard Child, and be thereof lawfully convicted, she shall, for every such Offence, be liable and compellable to pay the Sum of five Hundred Pounds of Tobacco and Cask, or fifty Shillings current Money of Virginia, to the Church-Wardens of the Parish wherein she shall be delivered, which shall and may be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Colony, wherein no Essoin, Protection, or Wager of Law, shall lie, or any more than one Imparlance; which Fine, recovered as aforesaid, shall be accounted for by the Church-Wardens, to the Use of the said Parish. And if any Person or Persons offending herein shall refuse or fail to make present Payment, or give sufficient Security for the Payment of such Fine at the laying of the next Parish Levy after such Conviction, every Person so refusing or failing shall receive on her bare Back, at the publick Whipping Post, twenty five Lashes, well laid on; and in either of the Cases, of paying the Fine or Whipping, the said Woman shall be discharged of all further or other Prosecution.

Every lewd Woman delivered of a Bastard shall forfeit 500 lb. of Tobacco, or 50 s. current Money.

To the Use of the Parish. On Failure of Payment shall receive 25 Lashes.

XIV. AND be it further enacted, by the Authority aforesaid, that the Person or Persons in whose House such Woman shall be delivered, upon such Delivery, shall give Notice thereof to the Church-Wardens of the Parish, or to one of them, wherein such Child shall be born; and if the Person in whose House the said Woman shall be delivered shall neglect or fail to give such Notice, or to secure the Person of the Woman so offending until such Notice given, or suffer her to escape, that then the Person in whose House such Delivery shall happen shall forfeit and pay the Sum of five Hundred Pounds of Tobacco, or fifty Shillings current Money, for the Use of the Poor of the Parish where he or she shall dwell, to be recovered as aforesaid: And in Case of Non Payment, or Refusal to give Security for the Payment thereof at the next Parish Levy, to receive twenty five Lashes on the bare Back, as aforesaid.

House-Keepers, where lewd Women are delivered, shall give Notice to the Church-Wardens of their Parish, and secure the Woman. On Failure shall forfeit 500 lb. of Tobacco, or 50 s. current Money, or receive 25 Lashes.

CHAP. II.

An Act for the better regulating and ascertaining the current Rates of Silver Coin within this Dominion, and for preventing the evil Practice of cutting foreign Gold into Pieces. (b)

I. WHEREAS the Rates of the Silver Coins heretofore settled within this Dominion are greatly disproportioned to the Value at which the same pass in the neighbouring Plantations, whereby Encouragement hath been

Preamble.

(a) See 27 Geo. 2. (1753) Cap. 2. Sect. 13. Rules as to Servant Women having Bastard Children.
5 Geo. 3. (1765) Cap. 7. Sect. 3. amends the before mentioned Act.

(b) See 1 Geo. 1. (1714) Cap. 1. which settles the Value of Gold Coin and British Silver.

3 Geo. 3. (1762) Cap. 4. reducing the Value of the Gold Coin of the German Empire to 4 s. 3 d. the Pennyweight.

A. D. 1727.

given to draw thither the several Species of the said Silver Coin, to the great Detriment of the Trade and Commerce of this Colony: For remedying whereof, and for bringing the Silver Coin to a nearer Proportion to that of the Gold Currency,

The Cur-
rency and Rates
of foreign Sil-
ver.

Fourpence
per Penny-
weight.

Threepence
three Farthings
per Penny-
weight.

English Silver
6 s 3 d. per
Crown, and so
in Proportion.

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that the several Species of Coin hereafter mentioned and set down shall be current within this his Majesty's Colony and Dominion, in all Payments for the Discharge of any Contracts, Bargains, or Debts, to be made or contracted after the Publication of this Act, and shall pass, be accounted, and received, at the following Rates, to wit: Pieces of Eight of *Mexico, Seville, and Pillar*, Ducatoons of *Flanders*, Ecues of *France*, or Silver *Louis*, and Crusadoes of *Portugal*, and all Halfs, Quarters, and lesser Pieces of the same, shall pass at fourpence the Pennyweight; and all *Peru* Pieces, Cross Dollars, and old Rixdollars of the Empire, and all lesser Pieces of the same, shall pass at threepence three Farthings the Pennyweight; and that all *English* milled Silver Money shall pass at the Rate of six Shillings and threepence the Crown Piece, and all Half Crowns, Shillings, and Sixpences, in the same Proportion.

Penalty on
refusing to re-
ceive these
Coins at the
Rates set by this
Act.

III. *AND be it further enacted, by the Authority aforesaid, and it is hereby enacted,* that if any Person or Persons whatsoever deny or refuse to take and receive the aforesaid Coins or Monies, or any of them, when offered or tendered in Payment of a Money Debt contracted after the Publication of this Act, at the full Rate, Price, and Value, set by this Act, he, she, or they, so refusing, shall lose and forfeit, to the Party who offers or tenders the same, such Sum or Sums of Money as he, she, or they, so refuse and deny to take; to be recovered by Action of Debt in any Court of Record within this Dominion, wherein no Effoin, Protection, or Wager of Law, shall be allowed: And in Case the Forfeiture be less than twenty Shillings, to be recovered upon a Complaint before any Justice of the Peace in the County where the Refusal happens to be made.

Rate of Cop-
per Money.

IV. *AND for the Conveniency of Change, and small Payments, Be it further enacted,* that if his Majesty, his Heirs, or Successours, shall think fit, at any Time hereafter, to permit Copper Money to be brought in and pass in this Colony, the same shall pass and be current in this Colony at the like Rates it doth pass in *Great Britain*.

Proviso.

V. *PROVIDED*, that no Person shall be obliged to take above two Shillings and Sixpence of the said Copper Money in any one Payment whatsoever above twenty Shillings, or to take above one Shilling of the said Copper Money in any one Payment under twenty Shillings.

Coining, &c.
High Treason.

VI. *AND be it further enacted, by the Authority aforesaid,* that if any Person or Persons shall hereafter presume to coin, counterfeit, falsify, or debase, any of the Coins above mentioned, or shall be aiding, consenting, or counselling therein, he, she, or they, so offending, upon being thereof lawfully convicted, shall be deemed and adjudged as Offenders in Treason; and shall suffer such Pains, Penalties, and Forfeitures, as are mentioned in the Act of Parliament made in the eighteenth Year of the Reign of *Queen Elizabeth*.

Exceptions.

VII. *PROVIDED nevertheless, and it is hereby meant and intended,* that nothing contained in this Act shall extend, or be construed to extend, to any Money Payment already due, or to his Majesty's Revenues arising within this Colony, or to the several Salaries payable out of the same, or to any protested Bills of Exchange, or any other Specialty expressly limited to be Sterling Money, or any Debt contracted in *Great Britain*.

VIII. *PROVIDED* also, and it is hereby declared, that nothing in this Act mentioned shall extend, or be construed, to restrain his Majesty from regulating and settling the several Rates of the said Species of Coins within this his Majesty's Colony and Dominion in such other Manner, and according to such other Rates and Proportions, as his Majesty, by his Royal Proclamation for that Purpose to be issued, or by his Royal Instructions to his Governour, or Commander in Chief of this Colony for the Time being, shall from Time to Time judge proper and necessary.

A. D. 1727.
Saving to the
Royal Prerogative.

IX. *AND* be it further enacted, by the Authority aforesaid, that one Act of Assembly made the twenty fifth Day of October in the ninth Year of the Reign of her late Majesty Queen Anne, intituled *An Act for ascertaining the current Rates of foreign Coins within this Dominion*, and also so much of one other Act of Assembly made in the twelfth Year of her said late Majesty's Reign, intituled *An Act for regulating and settling the current Rates of Gold Coin, and of British Silver Coin, in this Dominion*, as relates to the ascertaining the Value of the British Silver Coin, be from henceforth repealed and made void, to all Intents, Constructions, and Purposes, as if the same had never been made.

Repealing
Clause.

X. *AND* whereas great Frauds and Abuses have of late been committed, by Means of a Liberty some People have taken to cut the foreign Gold Coin which is current in this Dominion into small Pieces, whereby base Money is frequently passed away: For Prevention whereof,

XI. *BE* it further enacted, that no foreign Gold Coin whatsoever cut into lesser Pieces shall hereafter be passed in any Payment in this Dominion.

Cut Gold shall
not pass in
Payment.

CHAP. III.

An Act for prohibiting the Exportation of Grain in Time of Scarcity. (a)

I. **W**HEREAS divers Persons, for their own private Lucre, transport out of this Colony, into Parts beyond the Seas, Wheat, Indian Corn, and other Grain, when the same are greatly wanted for the Relief of the Inhabitants here, whereby the People of this Dominion have been frequently brought into great Distress: For Remedy whereof, for the future,

Preamble.

II. *BE* it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that it shall and may be lawful to and for the Governour, or Commander in Chief of this Dominion for the Time being, from Time to Time, and at all Times hereafter, upon Information to him given of the Scarcity of Corn, or other Grain, to issue his Proclamation, by and with the Advice and Consent of his Majesty's Council, thereby prohibiting the Exportation of any Wheat, Indian Corn, Pease, or other Grain whatsoever, or Flower, or Meal made of the same, or any or either of them, for and during such Time or Times as he, with the Advice aforesaid, shall judge most fit and necessary.

The Governour and Council may, by Proclamation, prohibit Grain, &c. to be exported.

III. *AND* be it further enacted, by the Authority aforesaid, that all Wheat, Indian Corn, Pease, or other Grain, and all Flower or Meal, which at any Time, during the Continuance of such Prohibition, shall be laden or put on Board any Ship or Vessel for Transportation, shall be forfeited, and shall and may be seized by the Naval Officer, or other Officer of the Customs, in the Port or District in

Grain, &c. shipped for Exportation during a Prohibition, forfeited, may be seized,

(a) See 4 Ann. (1705) Cap. 13. concerning Embargoes.

A. D. 1727.
And double
the Value shall
be also recover-
ed of the
Owner.

Forfeitures
appropriated.

Ships Provi-
sions excepted.

Grain shipped
before Notice of
Prohibition not
liable to For-
feiture, if
relanded.

which such Grain, or other the Commodities aforesaid, shall be laden; and, moreover, the Owner or Owners of such Wheat, Corn, Pease, or other Grain, or Flower or Meal, shall forfeit and pay double the Value thereof, one Third of both which said Forfeitures shall be to our Sovereign Lord the King, his Heirs, and Successors, for and towards the better Support of this Government and the contingent Charges thereof, one Third to the Governour, or Commander in Chief of this Dominion for the Time being, and the other Third to the Officer or Officers who shall seize, or any other Person who shall inform and prosecute for the same: And the said Forfeitures, or either of them, shall and may be recovered in any Court of Record within this Dominion, by Action of Debt, Bill, Complaint, or Information, wherein no Essoin, Protection, or Wager of Law, or any more than one Imparlance, shall be allowed.

IV. *PROVIDED* always, that nothing herein contained shall be construed, deemed, or taken, to restrain the taking on Board any Ship or Vessel any Provision of Corn, Pease, Flower, or Meal, necessary for the victualling such Ship or Vessel for her Voyage; but that the same may be victualled, during such Prohibition, in the same Manner as if this Act had never been made.

V. *PROVIDED* also, that no Grain, or other the Commodities before enumerated, laden on Board any Ship or Vessel, in Order to Exportation, before Notice of such Prohibition, shall be liable to Seizure or Forfeiture; nor the Owner or Owners thereof subject to any Penalty if such Owner or Owners shall, in convenient Time after the Publication of such Prohibition, reland, or cause the same to be relanded and disposed of in this Colony.

C H A P. IV.

An Act to explain and amend the Act for declaring the Negro, Mulatto, and Indian Slaves, within this Dominion, to be real Estate; and Part of one other Act, intituled An Act for the Distribution of Intestates Estates, declaring Widows Rights to their deceased Husbands Estates, and for securing Orphans Estates. (a)

Preamble,
Ch. 3. 1705.

I. **W**HEREAS the Act made in the fourth Year of the Reign of the late Queen Anne, declaring the Negro, Mulatto, and Indian Slaves, within this Dominion, to be real Estate, hath been found by Experience very beneficial for the Preservation and Improvement of Estates in this Colony, yet many Mischiefs have arisen, from the various Constructions, and contrary Judgments and Opinions, which have been made and given thereupon, whereby many People have been involved in Lawfuits and Controversies, which are still like to increase: For Remedy whereof, and to the End the said Act may be fully and clearly explained and amended,

The Act 4.
Ann. Ch. 3. to
be construed as
herein after ex-
pressed, viz.

Property of
Slaves sold,
given, or be-
queathed,
transferred, as
if such Slaves
were a Chattel.

II. *BE* it enacted, by the Lieutenant Governour, Council, and Burgessees, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that the said Act shall hereafter be construed, and the true Intent and Meaning thereof is hereby declared, to be, in the several Cases herein after mentioned, as the same is herein after expressed and declared, and not otherwise, that is to say:

III. **W**HENEVER any Person shall by Bargain and Sale, or Gift, either with or without Deed, or by his last Will and Testament in Writing, or by any

(a) See 4. Ann. (1705) Cap. 3. and Notes subjoined.

nuncupative Will, bargain, sell, give, dispose, or bequeath, any Slave or Slaves, such Bargain, Sale, Gift, or Bequest, shall transfer the absolute Property of such Slave or Slaves to such Person or Persons to whom the same shall be so sold, given, or bequeathed, in the same Manner as if such Slave or Slaves were a Chattel; and no Remainder of any Slave or Slaves shall or may be limited by any Deed, or the last Will and Testament in Writing, of any Person whatsoever, otherwise than the Remainder of a Chattel personal, by the Rules of the common Law, can or may be limited, except in the Manner herein after mentioned and directed.

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Remainder of any Slave shall not be limited otherwise than the Remainder of a Chattel, except as herein after mentioned.

IV. AND that where any Slave or Slaves have been or shall be conveyed, given, or bequeathed, or have or shall descend to any Feme Covert, the absolute Right, Property, and Interest, of such Slave or Slaves, is hereby vested, and shall accrue to, and be vested in, the Husband of such Feme Covert; and that where any Feme Sole is or shall be possessed of any Slave or Slaves, as of her own proper Slave or Slaves, the same shall accrue to, and be absolutely vested in, the Husband of such Feme, when she shall marry.

Slaves conveyed, &c. or descending to any Feme Covert, vested in the Husband.

V. AND that any Infant above the Age of eighteen Years, by his or her last Will and Testament in Writing, may dispose and bequeath the absolute Right, Property, and Interest, of any Slave or Slaves whereof he or she shall be possessed.

Infants above the Age of 18 Years, may bequeath Slaves by Will in Writing.

VI. AND that no Slave or Slaves whatsoever shall be forfeited, except in such Cases where the Lands and Tenements of the Person incurring the Forfeiture is, should, or might, be forfeited.

Slaves not liable to other Forfeitures than Lands are subject to.

VII. AND that no Executor or Administrator hath or shall have any Power to sell or dispose of any Slave or Slaves of his Testator or Intestate, except for the paying and satisfying the just Debts of such Testator or Intestate, and then only where there is not sufficient of the personal Estate of such Testator or Intestate to satisfy and pay such Debts; and in that Case it shall and may be lawful for the Executor or Administrator to sell and dispose of such Slave or Slaves, as shall be sufficient to raise so much Money as the personal Estate falls short of the Payment of the Debts.

Executors, &c. shall not sell Slaves, except for Payment of Debts, and where the personal Estate of the Testator, &c. falls short.

VIII. AND that when a Mother shall die intestate, leaving one or more Slave or Slaves, other than the Slave or Slaves which she holds as of her Dower, the Heir at Law shall be accountable to the younger Children for their Proportions of the Value of such Slave or Slaves, in the same Manner as he should or might be accountable in Case of a Father's dying and leaving such Slaves.

Mother dying intestate, and leaving Slaves, other than of her Dower, the Heir shall pay a Proportion to the younger Children.

IX. *PROVIDED* always, that nothing in this Act contained shall be construed to change or alter the Property of any Slave or Slaves which by the Judgment of the General Court, or any County Court, have been heretofore adjudged to belong to any Person or Persons whatsoever; but such Judgment shall remain, and for ever hereafter shall be deemed and taken to be, valid and binding.

Property of Slaves heretofore adjudged by any Court confirmed by this Act.

X. *PROVIDED* also, that where any Person hath heretofore, by Deed executed in his Lifetime, or by his last Will and Testament in Writing, disposed of any Slave or Slaves for the Life or Lives of any Person or Persons whatsoever, and hath thereupon limited any Remainder, such Remainder shall be good and effectual in Law to transfer the absolute Property of such Slave or Slaves to the Person or Persons to whom such Remainder hath been limited, and no otherwise.

And also Remainder of Slaves heretofore limited.

A. D. 1727.
For settling
Slaves, &c. to
descend with
Lands and
Tenements,

XI. AND whereas the true Design of the said Act, and the Policy thereof, was and is to preserve Slaves for the Use and Benefit of such Persons to whom Lands and Tenements shall descend, be given, or devised, for the better Improvement of the same, which cannot be done, according to the Custom and Method of improving Estates in this Colony, without Slaves, and therefore it may be very advantageous to Estates to establish a Method for settling Slaves, and their Increase, so as they may go and descend with Lands and Tenements: To which End,

Any Persons
may, by Deed or
Will, annex
Slaves, and
their Increase,
to Lands and
Tenements.

XII. *BE it further enacted, by the Authority aforesaid,* that it shall and may be lawful for any Person or Persons whatsoever, by Deed executed in his or their Lifetimes, or by his or their last Will and Testament, wherein any Lands and Tenements shall hereafter be settled, conveyed, or devised, in Fee Tail, or for Life or Lives, to settle, convey, or devise, any Slave or Slaves, and in such Deed or last Will to declare that such Slave or Slaves, and their Increase, so long as any of them shall be living, shall descend, pass, and go, as Part of the Freehold, to such Person or Persons to whom such Lands and Tenements shall be so conveyed or devised, and to whom the same shall from Time to Time descend and come; and such Declaration shall be good and effectual in Law to annex such Slave or Slaves to the Freehold and Inheritance of such Lands and Tenements, and they, and their Increase, so long as any of them shall be living, shall descend, pass, and go, in Possession, Reversion, and Remainder, with such Lands and Tenements: Or where any Person shall, by his Deed executed in his Lifetime, or by his last Will and Testament in Writing, settle, convey, or devise, any Lands and Tenements in Fee Tail, or for Life or Lives, and shall, in the same Deed or Will, settle, convey, or devise, any Slave or Slaves, with the same Limitation or Limitations with which such Lands and Tenements shall be so settled, conveyed, or devised, such Limitation or Limitations shall amount to a Declaration of the Intent of the Party settling, conveying, or devising the same, that the same should be annexed to such Lands and Tenements, and shall descend, pass, and go therewith, from Time to Time, as aforesaid.

And Slaves so
annexed shall
go in Possession,
Reversion, and
Remainder,
with the Lands,
&c.

Slaves settled,
&c. with the
same Limita-
tions, and in the
same Deed, &c.
with Lands,
&c. shall be an-
nexed to and go
with such
Lands, &c.

Tenant in
Tail may annex
Slaves to his
Estate, which
shall descend,
under the like
Limitation, as if
such Settlement
had been made
when the Estate
was first
created.

XIII. AND where any Person or Persons now are, or hereafter shall be, seized of Lands or Tenements in Fee Tail, it shall and may be lawful for such Person or Persons, by Deed executed in his or their Lifetime, or by his or their last Will and Testament, to annex to the same Lands and Tenements all or any Slave or Slaves which such Tenant in Tail shall, during such his Estate, purchase, acquire, or be possessed of; and to declare that such Slave or Slaves, and their Increase, so long as any of them shall be living, shall descend, pass, and go, in Possession, Reversion, or Remainder, as Part of the Freehold, under the like Limitation or Limitations with which such Lands and Tenements are or have been settled, conveyed, or devised: And such Declaration shall be as effectual to annex the said Slave or Slaves, and their Increase, to such Lands and Tenements, as if the same had been settled, conveyed, or devised, by the same Deed or Will, whereby the Estate in the said Lands and Tenements was at first made and created.

Slaves an-
nexed, &c. li-
able to be taken
in Execution
and sold for
Payment of
Debts of the
Tenant in
Possession.

XIV. BUT forasmuch as the greatest Part of the visible Estates of the Inhabitants of this Colony doth generally consist of Slaves, and it may happen in future Time, after several Descents of Slaves, so annexed to Lands as aforesaid, that many People may not be acquainted with such Settlements, and so Creditors may be deceived and hindered in the Recovery of just Debts; and, moreover, to bind the Property of Slaves, so as they may not be liable to the Payment of Debts, must lessen, and in Process of Time may destroy, the Credit of the Country:

XV. *IT is hereby provided, and enacted,* that notwithstanding any Slave or Slaves shall be annexed as aforesaid to any Lands and Tenements settled, con-

veyed, or devised, in Fee Tail, in Possession or Remainder, as aforesaid, such Slave or Slaves, or their Increase, shall be liable to be taken in Execution and sold for the satisfying and paying the just Debts of the Tenant in Tail for the Time being; and such Sale shall be good and effectual against him or her, and his or her Issue, and all other Persons whatsoever, claiming under such Settlement.

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Such Sale
good against
the Heir.

XVI. *PROVIDED* nevertheless, that if any Person shall be hereafter possessed of any Slave, or Slaves in Right of his Wife, which shall be so annexed to Lands as aforesaid, such Slave or Slaves shall not be liable to be taken in Execution or sold for the satisfying any Debt of such Husband, so as to bar the Wife of any Right which she may claim under any Settlement made in Pursuance of this Act after his Death.

Proviso.
Slaves annexed,
&c. belonging
to the Wife, not
liable for Debts
of her Husband.

XVII. *AND* whereas it is by the said Act provided that Writs of Dower and Partition may be brought and maintained for recovering Dower, or making Partition of Slaves, as the Case may be; and the Process and Proceedings in those Writs are not well adapted to the Circumstances of living Things, and are very tedious and difficult:

Writs of
Dower and
Partition.

XVIII. *BE* it further enacted, by the Authority aforesaid, that where any Person or Persons have or shall have a Right to demand Dower, or have Partition of any Slave or Slaves, such Person or Persons shall and may exhibit a Bill in Equity for that Purpose against the Person or Persons of whom the same may be demanded; and the Court before whom such Bill shall be exhibited shall compel the Defendant or Defendants to answer, and shall and may proceed upon such Bill and Answer, although the Defendant or Defendants, or any of them, be under the Age of twenty one Years, according to the Course and Rules of Equity, and shall and may make such Decree for the Assignment of such Dower, or making such Partition, in such Manner as shall be most agreeable to Equity: And such Assignment of Dower, or Partition, shall be as effectual as if the same were made in the ordinary Methods of the common Law.

Dower or
Partition may
be demanded
by Bill in Equi-
ty.Court to
compel the De-
fendant to an-
swer notwith-
standing Non-
ag., and to de-
cree the Assign-
ment of such
Dower or Par-
tition.

XIX. *AND* be it further enacted, by the Authority aforesaid, that where it shall be necessary for the younger Child or Children of any Person whatsoever to bring any Suit against the Heir at Law, for recovering his or their Proportion of the Value of any Slave or Slaves, pursuant to the said Act, instead of an Action upon the Case, such Child or Children shall and may exhibit his or their Bill in a Court of Equity for recovering such Proportion; and the Court before whom such Bill shall be exhibited shall and may proceed upon the Bill, and the Answer of the Defendant, although he shall be under the Age of twenty one Years, and give such Relief for the recovering and compelling the Payment of such Proportion of the true Value of such Slave or Slaves as shall be agreeable to the Rules of Equity, any Thing in the said Act contained to the contrary thereof in any Wife notwithstanding.

Younger
Children may
exhibit a Bill in
Equity against
the Heir at
Law for their
Proportion of
any Slaves.Court to de-
cree Relief
against such
Heir, although
under Age.

XX. *AND* whereas by Part of one other Act, made in the fourth Year of the Reign of the said late Queen Anne, intituled *An Act for the Distribution of Intestates Estates, declaring Widows Rights to their deceased Husbands Estates, and for securing Orphans Estates*, it is provided that no Person by his last Will and Testament may give a less Share or Proportion of his Estate than is therein directed, and that any Will made contrary to that Act may be set aside, for so much, upon the Petition of the Wife; and forasmuch as it is doubted whether that Part of the said Act hath any Relation to the Disposition of Slaves, and what Right a Widow hath to the Slaves of her deceased Husband, in Case of his dying testate: To the End all Doubts and Questions thereupon may be removed, and a better Method may be settled for Women to recover their Rights than by Petition to set aside the Will,

Recital of
Part of Cap. 7.
1705.

A. D. 1727.

Widows not satisfied with the Provision made for them by their Husbands Will may, within nine Months after the Husband's Death, in Court, or by Deed, renounce their Legacies, &c. and may demand Dower of the Slaves, and shall enjoy them during her Life; and shall have such Share of the personal Estate as is given by 4 Ann. Cap. 7. If such Declaration be not made within the Time limited, she shall be barred to renounce the Will.

XXI. *BE it further declared and enacted, by the Authority aforesaid, that when any Widow shall not be satisfied with the Provision made for her by her Husband's Will it shall and may be lawful for such Widow, within nine Months after her Husband's Death, before the Court where such Will shall be proved, or by Deed executed in the Presence of two or more Witnesses, to declare that she will not accept, receive, or take, the Legacy or Legacies to her given and bequeathed, or any Part thereof, and will renounce all Benefit and Advantage which she might claim by such last Will, and after such Declaration to demand and recover her Dower of all the Slaves whereof her Husband died possessed, which she shall enjoy during her natural Life; and after her Death, or other Determination of that Estate, the same shall go to the Person or Persons in whom the Property thereof would have vested in Case the Dower had not been demanded: And, moreover, such Widow shall have such Share of the personal Estate of her Husband as by the said Act is directed; but if such Declaration be not made within the Time before limited, she shall be for ever barred to claim any other Part of her Husband's Estate than shall be given or bequeathed by such last Will.*

C H A P V.

An Act for erecting a Town in each of the Counties of Spotsylvania and King George.

Preamble.

I. **W**HEREAS great Numbers of People have of late seated themselves and their Families upon and near the River *Rappahanock*, and the Branches thereof above the Falls, and great Quantities of Tobacco and other Commodities are every Year brought down to the upper Landings upon the said River to be shipped off and transported to other Parts of the Country, and it is necessary that the poorer Part of the said Inhabitants should be supplied from thence with Goods and Merchandise in Return for their Commodities, but for Want of some convenient Place, where Traders may cohabit and bring their Goods to, such Supplies are not to be had without great Disadvantages, and good Houses are greatly wanted upon some navigable Part of the said River, near the Falls, for the Reception and safe keeping of such Commodities as are brought thither, and for the Entertainment and Sustenance of those who repair thither from remote Places with Carriages drawn by Horses or Oxen; and forasmuch as the Inhabitants of the County of *Spotsylvania* have made humble Supplication to this General Assembly that a Town may be laid out in some convenient Place, near the Falls of the said River, for the Cohabitation of such as are minded to reside there for the Purposes aforesaid, whereby the peopling that remote Part of the Country will be encouraged, and Trade and Navigation may be increased:

Fifty Acres of Land vested in Trustees, who are appointed Directors.

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that within six Months after the passing of this Act fifty Acres of Land, Parcel of a Tract of Land belonging to John Royston and Robert Buckner, of the County of Gloucester, situate, lying, and being, upon the south Side of the River Rappahanock aforesaid, in the County of Spotsylvania, commonly called or known by the Name of the Lease Land, shall be surveyed and laid out, taking the whole Breadth of the said Tract of Land upon the River, by the Surveyor of the said County of Spotsylvania; and the said fifty Acres of Land, so to be surveyed and laid out, shall be and is hereby vested in John Robinson, Esq; Henry Willis, Augustine Smith, John Taliaferro, Harry Beverly, John Waller, and Jeremiah Clowder, of the County of Spotsylvania, Gentlemen, and their Successours, in Trust, for the several Purposes hereafter mentioned; and the said John Robinson, Henry Willis, Augustine Smith, John Taliaferro, Harry Beverly, John Waller, and Jeremiah*

Clowder, are hereby constituted and appointed Directors and Trustees for designing, building, carrying on, and maintaining, a Town upon the said Land: And the said Directors and Trustees, or any four of them, shall have Power to meet as often as they shall think necessary, and shall lay out the said fifty Acres in Lots and Streets, not exceeding Half an Acre of Ground in each Lot, and also to set apart such Portions of the said Land for a Church and Church-Yard, a Market Place, and publick Key, and to appoint such Places upon the River for publick Landings, as they shall think most convenient; and, if the same shall be necessary, shall direct the making and erecting of Wharfs and Cranes at such publick Landings, for the publick Use. And when the said Town shall be so laid out the said Directors and Trustees shall have full Power and Authority to sell all the said Lots by publick Sale or Auction, from Time to Time, to the highest Bidder, so as no Person shall have more than two Lots; and when such Lots shall be sold, any two of the said Trustees shall and may, upon Payment of the Purchase Money, by some sufficient Conveyance or Conveyances, convey the Fee Simple Estate of such Lot or Lots to the Purchaser or Purchasers: And he or they, or his or their Heirs and Assigns, respectively, shall and may for ever thereafter peaceably and quietly have, hold, possess, and enjoy, the same, freed and discharged of and from all Right, Title, Estate, Claim, Interest, and Demand whatsoever, of the said *John Royston* and *Robert Buckner*, and the Heirs and Assigns of them, respectively, and of all Persons whatsoever claiming by, from, or under them, or either of them.

A. D. 1727.
To be laid
out in Lots and
Streets.

To be sold.

III. *PROVIDED* nevertheless, that the said Directors and Trustees shall pay, or cause to be paid, unto the said *John Royston* and *Robert Buckner*, out of the Money to be raised by the Sale of the said Lots, as soon as the same shall be by them received, after the Rate of forty Shillings for every Acre of the said fifty Acres of Land, according to the Right which the said *John Royston* and *Robert Buckner* now respectively have to the same; and the said *John Royston* and *Robert Buckner* shall also have each of them two Lots, which shall be assigned to them by the said Directors and Trustees, and they shall respectively remain seized of such Lots of the same Estate whereof they were respectively seized in the said Land before the making of this Act.

40s. for every
Acre to be paid
to the Pro-
prietors.

IV. *AND* be it further enacted, by the Authority aforesaid, that after the said Lots shall be so laid out and disposed of, as aforesaid, the said Directors, or any four of them, shall have full Power and Authority to apply all the overplus Money which shall be raised by the Sale of the said Lots to such publick Use, for the common Benefit of the Inhabitants of the said Town, as to them shall seem best.

Overplus of
the Money to
be laid out in
publick Uses,
for the Benefit
of the Town.

V. *AND* be it further enacted, by the Authority aforesaid, that the Grantee or Grantees of every such Lot or Lots, so to be conveyed and sold in the said Town, shall, within two Years next after the Date of the Conveyance for the same, erect, build, and finish, on each Lot so conveyed, one House, of Brick, Stone, or of Wood well framed, of the Dimensions of twenty Feet square, and nine Feet Pitch at the least, or proportionably thereto, if such Grantee shall have two Lots contiguous; and the said Directors shall have full Power and Authority to establish such Rules and Orders, for the more regular placing the said Houses, as to them shall seem fit, from Time to Time. And if the Owner of any Lots shall fail to pursue and comply with the Directions herein prescribed, for the building and finishing one or more House or Houses thereon, then such Lots upon which such Houses shall not be so built and finished shall be revested in the said Trustees, and shall and may be sold and conveyed to any other Person or Persons whatsoever, in the Manner before directed, and shall revest, and be again sold, as often as the Owner or Owners shall fail to perform, obey, and fulfil, the Directions aforesaid; and if the Inhabitants of the said Town shall fail to obey and pursue the Rules and Orders of the said Directors, in repairing and amending

How to be
built.

A. D. 1727.

the Streets, Landings, and publick Wharfs, they shall be liable to the same Penalties as are inflicted for not repairing the Highways in this Colony.

For perpetuating the Succession of the Directors.

VI. AND for the continuing the Succession of the said Trustees and Directors, until the Governour of this Colony shall incorporate some other Persons, by Letters Patents, under the Seal of this Colony, to be one Body Politick and Corporate, to whom the Government of the said Town shall be committed, *Be it further enacted*, that in Case of the Death of the said Directors, or of their Refusal to act, the surviving or other Directors, or the major Part of them, shall assemble, and are hereby empowered, from Time to Time, by Instrument in Writing, under their respective Hands and Seals, to nominate some other Person or Persons, being an Inhabitant or Freeholder of the said Town, in the Place of him so dying or refusing; which new Director or Directors, so nominated and appointed, shall from thenceforth have the like Power and Authority, in all Things relating to the Matters herein contained, as if he or they had been expressly named and appointed in and by this Act, and every such Instrument and Nomination shall from Time to Time be recorded in the Books of the said Directors.

For a Re-compense to *Levingston* and *Royston*,

VII. AND whereas *William Levingston* is possessed of a Lease under the said *John Royston*, for certain Years to come, of Part of the said fifty Acres of Land, and hath erected Buildings and made several Improvements thereon, which will be taken away when the said Town shall be laid out: For making Satisfaction for which,

Two Lots assigned to them.

VIII. *BE it further enacted*, that the two Lots to be assigned to the said *John Royston*, pursuant to this Act, shall include the Dwelling-House and Kitchen of the said *William Levingston*, and shall be held and enjoyed by him for the Residue of the said Term, and at the Expiration thereof shall revert unto, and be vested in, the said *John Royston*, as aforesaid; and, moreover, the said Trustees are hereby enjoined and required to pay unto the said *William Levingston* the Sum of twenty Pounds current Money out of the Monies arising by Sale of Lots, as a Consideration and Compensation for the said Lease.

Name of the Town.

IX. *AND be it further enacted*, that the Town aforesaid shall be called by the Name of *Fredericksburg*.

X. AND forasmuch as the said Town will not be convenient to the Inhabitants on the north Side of the said River for transporting their Commodities to and from the same, to the End therefore that the same Benefits and Advantages may be extended to them as are before given to the People inhabiting the County of *Spotsylvania*:

Other Land vested in other Trustees, who are appointed Directors.

XI. *BE it further enacted*, by the Authority aforesaid, that within six Months after the passing of this Act fifty Acres of Land, Parcel of a larger Tract of Land, belonging to *William Todd*, of the County of *King and Queen*, Gentleman, situate, lying, and being, on the north Side of the said River, about two Miles above the said *Lease Land*, in the County of *King George*, including the *Fall Landing*, and the high Land adjacent, shall be surveyed and laid out by the Surveyor of the said County of *King George*; and shall be vested in *Robert Carter* and *Mann Page*, Esquires, *Nicholas Smith*, *William Thornton*, *John Fitzburgh*, *Charles Carter*, and *Henry Fitzburgh* the younger, Gentlemen, and their Successours, in Trust, for the several Purposes herein after mentioned; and the said *Robert Carter* and *Mann Page*, Esquires, *Nicholas Smith*, *William Thornton*, *John Fitzburgh*, *Charles Carter*, and *Henry Fitzburgh* the younger, Gentlemen, are hereby constituted and appointed Directors and Trustees for designing, building, carrying on, and maintaining, a Town upon the same, and they, or any four of them, shall have the same Powers and Authorities in laying out the said Town

in Lots and Streets, each Lot not exceeding Half an Acre, as aforesaid, and shall and may assign convenient Portions of the said Land for a Church, Church-Yard, Market Place, and publick Key, and appoint and make publick Landings, Wharfs, and Cranes, for the common Benefit of the Inhabitants, and sell and convey the Lots, and dispose of the Overplus of the Money arising from such Sale, to the same Uses, and make and establish Rules and Orders for the more regular building the Houses, and for repairing and amending the Streets, Landings, and Wharfs, under the same Penalties as are herein before directed, prescribed, ordained, and appointed, for the said Town of *Fredericksburg*. And the Grantees of such Lots so laid out, sold, and conveyed, shall be under the like Directions for building, and under the like Forfeiture, as are herein before prescribed for the said Town of *Fredericksburg*; and the Succession of the said Directors shall be continued in the same Manner as is before directed for continuing the Succession of the other Directors aforesaid.

A. D. 1727.

To be laid out and built upon in the same Manner, and the Overplus of the Money to be applied to publick Uses.

XII. *AND* be it further enacted, that the said last mentioned Directors shall satisfy and pay unto the said *William Todd*, out of the Money arising by the Sale of the said Lots, forty Shillings for every Acre of the said Land, and moreover shall assign him four Lots, whereof he shall remain seized, of the same Estate as he now hath in the said fifty Acres of Land, and shall also pay him for such Houses as he hath erected which shall be taken into any of the Streets or publick Landings of the said Town; and in Case such Houses shall fall within the Bounds of any Lot or Lots, the same shall be assigned him as Part of the four Lots hereby intended for him. And the said last mentioned Town shall be called by the Name of *Falmouth*.

Satisfaction to be made to *William Todd*.

XIII. *PROVIDED* nevertheless, that if the said respective Directors shall not, within six Months after the fifty Acres of Land shall be surveyed and laid out, in each of the Places before mentioned, fully satisfy and pay, or, in Case of Refusal to receive the same, tender, to the Proprietors of each fifty Acres respectively, the several Sums of Money by this Act directed to be paid to them, the Lands and Premises before mentioned shall be revested in the said Proprietors respectively, and they shall remain and continue seized thereof, as if this Act had never been made; and this Act shall be adjudged, held, and taken, to be a general Act.

Directors not paying, or tendering Payment for the Lots, in six Months, they shall revert to the Proprietors.

Signed by WILLIAM GOOCH, Esq; Governour.
JOHN HOLLOWAY, Speaker.

A. D. 1730.

WILLIAM
GOOCH, Esq;
Governour.

At a GENERAL ASSEMBLY begun and holden at *Williamsburg* the 1st Day of *February*, Anno Domini 1727, in the 1st Year of the Reign of our Sovereign Lord GEORGE II. by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and from thence continued, by several Prorogations, to the 21st Day of *May* 1730, being the second Session of this present General Assembly.

C H A P. I.

An Act repealing the Act for the better and more effectual improving the Staple of Tobacco, and for the better Execution of the Laws now in Force against tending Seconds, and for the further Prevention thereof. (a)

Preamble.

I. **W**HEREAS at a General Assembly begun and held at the Capitol the first Day of *February*, in the first Year of his Majesty's Reign, an Act was made intituled *An Act for the better and more effectual improving the Staple of Tobacco*, which Act is found by Experience to be inconvenient:

Repealing
Clause.

II. *BE it therefore enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that the said Act, intituled An Act for the better and more effectual Improving the Staple of Tobacco, and every Clause, Matter, and Thing, therein contained, shall be and is hereby repealed, and made null and void, to all Intents and Purposes whatsoever.*

Against tend-
ing Seconds.Constables to
view all Fields
of Tobacco be-
tween the last
Day of July and
10th of August.Owner or
Overseer shall
cut up all Slips
and Suckers
above the
Height of 9 In-
ches from the

III. *AND for the better Execution of the Laws now in Force against tending Seconds, and for the further Prevention thereof, Be it enacted, by the Authority aforesaid, that every Constable within this Colony shall yearly, between the last Day of July and the tenth Day of August, and between the twentieth Day of August and the tenth Day of September, and at such other Times as any Constable shall think proper, repair to all the several Fields and Places whereon Tobacco shall be planted or tended within their respective Precincts and diligently view the same, in Order to discover whether any Slips or Suckers shall be turned out or tended from the Stalks from which any Tobacco Plant hath been before cut or taken, above the Height of nine Inches from the Ground; and if any Constable shall find or discover any such Slips or Suckers growing upon any Plantation within his Precinct, and the Owner or Overseer of such Plantation, being thereunto required, shall refuse or fail to cut up and destroy such Slips and Suckers, such Constable is hereby empowered and required to cut up and destroy,*

(a) See 4. Ann. (1705) Cap 12. with the Notes subjoined.

or cause the same to be cut up and destroyed. And if any Owner or Overseer shall refuse to show to such Constable all such Fields and Places, on his or her Plantation or Plantations, where Tobacco hath been planted or tended in any Year, every Owner or Overseer so refusing shall forfeit and pay five Hundred Pounds of Tobacco for every Person employed in making Tobacco on his or her Plantation or Plantations that Year. And if any Constable shall turn out or tend any such Slips or Suckers upon his Plantation or Plantations, or shall neglect to cut up or destroy the same, such Constable so offending shall forfeit and pay five Hundred Pounds of Tobacco for every Person employed in making Tobacco on such Plantation or Plantations that Year.

A. D. 1730.

Ground, otherwise the Constable shall do it.

Penalty upon Persons refusing to show all their Fields of Tobacco.

Penalty upon Constables tending Seconds.

IV. AND all Constables shall take an Oath before some Justice of the Peace of the County wherein they respectively reside, which Oath the said Justice is hereby empowered and required to administer, in the Words following, viz.

Constables to take an Oath.

I A. B. do swear that I will diligently and carefully view the several Fields and Places whereon Tobacco shall be planted or tended within the Precincts whereof I am Constable, and will cut up and destroy, or cause to be cut up and destroyed, all Stalks from which any Tobacco Plant shall be cut or taken, and all Slips or Suckers growing from or out of the same, which I shall find standing or growing in any of the Fields or Places aforesaid, above the Height of nine Inches from the Ground; and that I will make Information of all Persons within my said Precinct whom I shall know to be guilty of the Breach of any Law of this Colony made against the tending of Slips or Seconds, to the next Court held for my County after the same shall come to my Knowledge. So help me G O D.

The Oath.

V. AND be it further enacted, by the Authority aforesaid, that if any Constable shall refuse or fail to take such Oath, or shall knowingly allow any Person whatsoever within his Precinct to tend any Seconds, Slips, or Suckers, each Constable so offending shall forfeit and pay one Thousand Pounds of Tobacco.

Penalty upon Constables not doing their Duty.

VI. AND for encouraging the Constables to perform their Duties herein, Be it further enacted, that there shall be levied on every tithable Person in each County one Pound of Tobacco, to be distributed to the respective Constables, in Proportion to the Number of Tithables in their respective Precincts, which said Levy of one Pound of Tobacco per Poll the Court of each County within this Colony is hereby empowered and required to make, and the Sheriff, or other Collector of the County Levy, to pay to the several Constables to whom the same shall be due; and for every Hundred of Tobacco Stalks which shall have any Sucker or Slip growing thereon, of the Height of nine Inches from the Ground, which any Constable shall cut up and destroy, there shall be paid to such Constable, by the Owner of such Tobacco Stalks, or his or her Overseer, twenty Pounds of Tobacco, and so proportionably for a lesser Quantity, to be recovered, with Costs, before any Justice of the Peace of the County wherein the said Tobacco Stalks shall be so cut up and destroyed.

Their Allowance.

VII. AND be it further enacted, by the Authority aforesaid, that the Court of every County within this Colony, upon the Information of any Constable to them made against any Person or Persons for the Breach of this Act, or of any other Act of Assembly of this Colony made against the tending of Slips or Seconds, shall order and direct the Attorney appointed to prosecute in such Court for his Majesty to bring Suit against such Person or Persons for the respective Forfeitures by them incurred by the Breach of any of the said Acts.

Courts to order Prosecutions upon Informations made by Constables.

VIII. AND be it further enacted, by the Authority aforesaid, that all Fines and Forfeitures herein before mentioned, and not otherwise appropriated, shall be one Half to our Sovereign Lord the King, his Heirs, and Successors, for and to the Use of the Parish wherein such Offence shall be committed, and the other

Penalties appropriated.

A. D. 1730.

Half to the Person or Persons who shall inform and sue for the same; and may be recovered, with Costs, in any Court or Courts of Record within this Colony, by Action of Debt, Bill, Plaint, or Information, except the Forfeiture in this Act mentioned, cognizable before a Justice of the Peace.

C H A P. II.

An Act for enforcing the Act intituled An Act for the effectual Suppression of Vice, and Restraint and Punishment of blasphemous, wicked, and dissolute Persons; and for preventing incestuous Marriages and Copulations. (a)

Preamble.

I. **F**ORASMUCH as the Act intituled *An Act for the effectual Suppression of Vice, and Restraint and Punishment of blasphemous, wicked, and dissolute Persons*, hath not been duly put in Execution, according to the Intent and Design thereof, whereby divers wicked and dissolute Persons have been the more encouraged to commit the Crimes therein mentioned: For Remedy thereof,

Church-Wardens to make Presentment.

And the Court to proceed thereupon.

Saving to Grand Juries.

Offences punished by any Incapacity, or Imprisonment, to be tried only in the General Court.

For preventing incestuous Marriages.

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that the Church-Warden or Church-Wardens of every Parish within this Colony shall make Presentment of all and every Person and Persons whatsoever guilty of any of the Offences or Crimes in the said Act mentioned, committed, or done, within the respective Times by the said Act limited for Prosecution thereof, and not otherwise, to the Court of the County wherein such Offence or Crime shall be committed, at the next Court after such Offence or Crime shall come to his or their Knowledge; and thereupon such Court are empowered and required forthwith to cause such Person or Persons to appear and answer such Presentment, and shall proceed to Trial and give Judgment upon such Presentment, in like Manner as if such Presentment had been made by a Grand Jury.*

III. *PROVIDED nevertheless, that nothing in this Act contained shall be construed to take away the Power of the Grand Juries of this Colony, or of the several Counties, to make Presentment of any Offences in the said Act mentioned, in the same Manner as they might have done before the making of this Act.*

IV. *PROVIDED also, that all and every the Offences of Blasphemy and Irreligion, enumerated in the said recited Act, for which the Offenders are to be punished, by Incapacity to hold any Office or Employment, or any other Incapacity, or to be punished by Imprisonment, shall be tried, heard, and determined, only in the General Court; and that when any Presentment shall be made of any such Offence, either by the Church-Warden or Church-Wardens, or the Grand Juries in the said County Courts, the Justices before whom such Presentment shall be made shall cause the Offender or Offenders to enter into Recognizance, with one or more sufficient Sureties, for his or her personal Appearance at the next General Court, to answer the said Presentment, and shall also cause the Record of the said Recognizance and Presentment, together with the Names of the Persons on whose Information the same was made, to be returned in due Time to the Secretary's Office, to the End Prosecution may be had thereon, according to the true Intent and Meaning of the aforesaid Act. And for preventing incestuous Marriages and Copulations,*

(a) See 4. Ann. (1705) Cap. 6. and 18. Geo. 2. (1744) Cap. 2.

A. D. 1730.

V. *BE it also enacted, by the Authority aforesaid*, that if any Person whatsoever shall hereafter marry within the Levitical Degrees prohibited by the Laws of *England*, that is to say if the Son shall marry his Mother or Stepmother, the Brother his Sister, the Father his Son's Daughter, or his Daughter's Daughter, or if the Son shall marry the Daughter of his Father begotten and born of his Stepmother, or the Son shall marry his Aunt, being his Father's or Mother's Sister, or marry his Uncle's Wife, or the Father shall marry his Son's Wife, or the Brother shall marry his Brother's Wife, or any Man shall marry his Wife's Daughter, or his Wife's Son's Daughter, or his Wife's Daughter's Daughter, or his Wife's Sister, every Person or Persons so unlawfully married shall be separated by the definitive Sentence or Judgment of the General Court, and the Children proceeding or procreate under such unlawful Marriage shall be accounted illegitimate; and the Attorney General of this Colony, upon any Information made to him of any such Marriage, shall and may exhibit a Bill to the Judges of the General Court against any Persons so unlawfully married, who shall be compelled, upon Oath, to answer the same, and upon such Bill and Answer, and the Depositions of Witnesses, where the same shall be necessary, the General Court shall and may proceed to give Judgment, and to declare the Nullity of such Marriage, and moreover may punish the Parties by Fine at their Discretion, and if they see fit may cause the Parties so separated to give Bond, with sufficient Surety, that they will not thereafter cohabit, under such Penalty as the said Court shall judge reasonable.

Marriages within the Levitical Degrees prohibited.

Such Marriages to be dissolved by Sentence of the General Court. And the Attorney General to exhibit a Bill for that Purpose.

Parties to be punished by Fine. And to give Bond not to cohabit.

VI. *AND be it further enacted, by the Authority aforesaid*, that if any Persons whatsoever shall hereafter, without marrying, carnally know, or have Copulation with, any Person within the Degrees aforesaid, each and every Person so offending, and being thereof convicted in any Court of Record within this Colony, shall be fined according to the Discretion of such Court; and if the Offender or Offenders shall refuse immediately to pay the said Fine, or to give Surety for the Payment thereof at the laying of the next Parish Levy, every Person so refusing shall, by Order of the said Court, be publicly whipped on his or her bare Back, not exceeding thirty nine Lashes: And, moreover, it shall and may be lawful to and for the said Court to commit the Parties convicted of the Offence aforesaid to the publick Gaol of the said Court, there to remain until he, she, or they, give Bond, with sufficient Surety, for their future Separation.

Punishment of incestuous Copulations.

VII. *AND be it further enacted, by the Authority aforesaid*, that all and every the Fines imposed by Virtue of this Act shall be to the Use of the Poor of the Parish wherein the Offence or Offences shall be respectively committed.

Fines given to the Poor.

CHAP. III.

An Act to prevent the malicious burning Tobacco Houses and other Houses and Places, for taking away Clergy from certain Offenders, and for punishing Accessories to Felonies and Receivers of stolen Goods.

I. **W**HEREAS divers wicked and evil disposed Persons, intending the Ruin and impoverishing his Majesty's good Subjects, have devised, and of late secretly, in the Night Time, and at other Times, when they think their Deeds are not known, frequently practised, in several Parts of this Colony, unlawful and wicked Courses, in burning Tobacco Houses, Warehouses, Storehouses, and Houses and Places where Wheat, Indian Corn, and other Grain, is

Preamble.

Vid. Stat. 22, 23 Car. 2. Cap. 7.

A. D. 1730.

kept, in Contempt of the Laws, and to the insupportable Wrong and Damage of many of his Majesty's good Subjects: For Prevention whereof,

Malicious
burning any
Houses, after
29th of Sep-
tember 1730,
Felon, without
Benefit of
Clergy.

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgeffes, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that all and every Person and Persons that shall at any Time, either in the Night or the Day, after the twenty ninth Day of *September*, which shall be in the Year of our Lord one Thousand seven Hundred and thirty, maliciously, unlawfully, and willingly, burn any Tobacco House, Warehouse, or Storehouse, or any House or Place where Wheat, Indian Corn, or other Grain, shall then be kept, or any other Houses whatsoever, or shall comfort, aid, abet, assist, counsel, hire, or command, any Person or Persons to commit any of the said Offences, being thereof convicted or attainted, or being indicted thereof shall stand mute, or will not answer directly to the Indictment, or shall peremptorily challenge above the Number of twenty Persons returned to be of the Jury, shall be adjudged a Felon, and shall suffer Death as in Case of Felony, and shall not have the Benefit of his, her, or their Clergy.

III. AND forasmuch as divers lewd and wicked Persons are encouraged to commit Robberies in Warehouses and Storehouses, by the Privilege, as the Law now is, of demanding the Benefit of their Clergy:

Persons
breaking any
Warehouse or
Storehouse, and
stealing from
thence Goods,
&c. to the Value
of 20 s. and all
Abettors, &c.
debarred of the
Benefit of
Clergy.
*Vi. Stat. 3 and
4 W. and M.
Cap. 9. and 12
Ann. Cap. 7.*

IV. *BE it therefore enacted, by the Authority aforesaid,* that all and every Person and Persons that shall at any Time, after the said twenty ninth Day of *September*, either in the Night or the Day, feloniously break any Warehouse or Storehouse, and shall take therefrom any Money, Goods, or Chattels, Wares, or Merchandises, of the Value of twenty Shillings lawful Money, or more, although the Owner of such Goods, or any other Person or Persons, be, or be not, in such Warehouse or Storehouse, or shall aid, assist, counsel, hire, or command, any Person or Persons so to break and rob any such Warehouse or Storehouse, and shall be thereof convicted or attainted, or being thereof indicted shall stand mute, or will not answer directly to the Indictment, or shall peremptorily challenge above the Number of twenty Persons returned to be of the Jury, shall, by Virtue of this Act, be absolutely debarred of and from the Benefit of Clergy.

Part of the
Stat. 1 Ann.
Cap. 9. enacted.

V. AND forasmuch as the Counsellors and Contrivers of Theft and other Felonies, and the Receivers of Goods that have been stolen, are the principal Cause of the Commission of such Felonies; and as the Law now is no Accessory can be convicted, or suffer any Punishment, where the Principal is not attainted, or hath the Benefit of his Clergy:

Accessories
may be pro-
ceeded against,
although the
Principal be,
after Convic-
tion, admitted
to his Clergy,
pardoned, or
otherwise de-
livered, before
Attainder.

VI. *BE it therefore enacted, by the Authority aforesaid,* that from and after the said twenty ninth Day of *September* if any principal Offender shall be convicted of any Felony, or shall stand mute, or peremptorily challenge above the Number of twenty Persons returned to be of the Jury, it shall and may be lawful to proceed against any Accessory, either before or after the Fact, in the same Manner as if such principal Felon had been attainted thereof, notwithstanding such principal Felon shall be admitted to the Benefit of his Clergy, pardoned, or otherwise delivered, before Attainder; and every such Accessory shall suffer the same Punishment, if he or she be convicted, or shall stand mute, or peremptorily challenge above the Number of twenty Persons returned to serve of the Jury, as he or she should have suffered if the Principal had been attainted.

VII. AND forasmuch as Buyers and Receivers of stolen Goods do oftentimes convey away and conceal the principal Felons, so that they cannot be convicted of such principal Felony, and thereby such Buyers and Receivers have escaped all Manner of Punishment, which hath greatly encouraged the buying and receiving of such stolen Goods: For Remedy whereof,

VIII. *BE it further enacted, by the Authority aforesaid, that from and after the said twenty ninth Day of September it shall and may be lawful to prosecute and punish every such Person and Persons buying or receiving any stolen Goods, knowing the same to be stolen, as for a Misdemeanor, to be punished by Fine and Imprisonment, although the principal Felon be not before convicted of the said Felony, which shall exempt the Offender from being punished as Accessory, if the Principal shall be afterwards convicted.*

A. D. 1730.

Buyers and Receivers of stolen Goods may be prosecuted as for a Misdemeanor, although the Principal be not convicted.

C H A P. IV.

See Chap. 21
1703.

An Act for the better regulating the Payment of the Burgeses Wages. (a)

I. **W**HEREAS divers Doubts and Controversies have heretofore arisen concerning the Payment of the Wages established by Law for the Burgeses elected to serve in the General Assembly, who by Reason of their private Affairs are absent from their Service in the House of Burgeses: For removing the like Controversies for the future,

Preamble.

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that from and after this Session of Assembly no Burges or Burgeses so elected, or to be elected, nor any Burges or Burgeses elected, or to be elected, to serve for any Corporation in this Dominion, shall demand, take, or receive, any Salary or Wages for his or their Service in the House of Burgeses for any Day or Days on which he or they shall fail to attend in the said House, except for such Sundays as shall happen and be within the Time of the Session, and for such and so many Days as are by Law allowed to each Burges for coming to, and returning from, the General Assembly.*

Absent Members shall receive no Wages for the Time they shall be absent.

III. *PROVIDED nevertheless, that if any Burges shall be taken sick or lame during his Attendance on any Session of Assembly, or in his Journey to such Session, so that he shall be unable to attend the Service of the House of Burgeses, such Burges shall be allowed and paid, for every Day of such Session on which he shall be unable to attend, as aforesaid, in the same Manner as if he had attended the Service of the House, any Thing in this Act to the contrary notwithstanding.*

Unless they be taken sick or lame upon their Journey.

IV. *AND for obviating all Doubts which may arise touching the Application of the publick Money which now is, or hereafter shall be, in the Hands of the Treasurer of this Dominion for and towards paying the Wages of the Burgeses, and thereby lessening the Levy by the Poll:*

For obviating Disputes about paying the Burgeses in Money.

V. *BE it enacted, and declared, by the Authority aforesaid, that when any Session of Assembly shall be hereafter held, and upon due Examination of the Treasurer's Accounts it shall appear that there are Monies sufficient in his Hands to discharge all the Money Debts due from the Publick, together with the Burgeses Wages, and the Salaries and Allowances to the respective Officers of the General Assembly (leaving and reserving in the Hands of the said Treasurer, over and above the said Payments, a Balance of one Thousand five Hundred Pounds at the least) then every Burges elected, and serving, for any County or Corporation within this Dominion, shall be paid out of the said publick Money the Sum of ten Shillings for each Day he shall serve in the House of Burgeses, together*

When there shall be 1500*l.* in the Treasurer's Hands, and all the publick Debts are paid, the Burgeses shall be paid their Wages in Money.

After the Rate of 10*s.* per diem.

(a) See Act 4 Ann. (1705) Cap. 1. and Notes subjoined.

A. D. 1730.

The Governour shall give a Warrant upon the Speaker's Certificate of their Attendance.

with the like Wages for his coming to, attending at, and returning from, such General Assembly, in Lieu of all other Demands for his said Service; and thereupon it shall and may be lawful for the Governour, or Commander in Chief of this Dominion, upon Certificate from the Speaker of the House of Burgesses of the Time of each Member's Attendance, to issue his Warrant to the Treasurer of this Dominion for the Time being for the Payment of the Wages of such Burgesses or Burgesses, together with the Pay for all the Days allowed by Law for his or their travelling to and from the said General Assembly, and also the Expence of Ferriages.

Burgesses coming by Water shall receive only 9s. per Diem for their Attendance, and 3s. 6d. per Diem for a Boat and Hands.

VI. *PROVIDED* always, and it is hereby declared to be the true Intent and Meaning of this Act, that where any Burgess is, or shall be, obliged to come to the General Assembly by Water, such Burgess shall only be allowed nine Shillings *per diem* for his Wages; and there shall be paid for bringing the Burgesses of any one County coming by Water, for a Boat and two Men, if such be employed by them, and their necessary Provisions, three Shillings and Sixpence for each Day such Boat and Hands shall be employed in that Service.

This Clause repealed, and provided for Ch. 4. 1736.

VII. AND for the Counties of *Accomack* and *Northampton*, for defraying the Charge of one Sloop and two Men for each County, with their necessary Provisions, the Sum of six Shillings for each Day such respective Sloop and Hands shall be upon that Service, in Lieu of the Tobacco allowed by Law for the Purposes aforesaid.

County Courts shall not levy, nor the Treasurer pay, any Burgess any Wages for the Time he shall not attend.

VIII. *AND* be it further enacted, by the Authority aforesaid, that it shall not be lawful for the Courts of the respective Counties to levy for, nor the Treasurer of this Colony for the Time being to pay unto, any Burgess or Burgesses, any Salary or Wages for those Days on which he or they shall fail to attend as aforesaid, except in the Case of Sicknefs or Lameness, herein before provided for, and excepted.

Travelling Days from several Counties, erected since 1705, not being settled,

IX. AND whereas since the making the Act of Assembly for settling the Allowances to Burgesses for coming to, attending at, and returning from, the General Assembly, the several Counties of *Brunswick*, *Spotsylvania*, *Prince William*, *Goochland*, *Hanover*, *Caroline*, and *King George*, have been erected, and no Allowance is settled for the Burgesses of those Counties for coming to and returning from the General Assembly:

Allowances to the Burgesses for travelling from those Counties.

X. *BE* it therefore enacted, by the Authority aforesaid, that to the Burgesses for the Counties of *Brunswick*, *Spotsylvania*, and *Prince William*, there shall be allowed four Days, and to the Burgesses for the Counties of *Goochland*, *Hanover*, *Caroline*, and *King George*, three Days, for coming to, and as many Days for returning from, every Session of the General Assembly.

CHAP. V.

An Act to disable any Sheriff or other Person to sit as a Member of the House of Burgesses who shall accept any Office of Profit in this Colony after his Election, and exempting the Members of the House of Burgesses from being made Sheriffs. (a)

Preamble.

I. **W**HEREAS it is found inconvenient, and may prove of evil Consequence to this Government, if any Person shall accept the Office of Sheriff, or of any Place of Profit in this Government, during the Time he shall be a Member of the House of Burgesses: For Prevention thereof,

(a) Sec 4 Ann. (1705) Cap. 1. with the Notes subjoined.

A. D. 1730.

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that any Person who now is, or hereafter shall be, Sheriff of any County within this Colony and Dominion, shall not be capable of sitting or voting as a Member of the House of Burgeses, and a Writ shall issue for electing a new Member in his Stead, in the same Manner as if such Person were naturally dead.

All Sheriffs disabled to sit in the House of Burgeses.

III. *AND be it further enacted, by the Authority aforesaid,* that every Member of the House of Burgeses in this present or any future General Assembly, during the Time of his being a Member thereof, shall from henceforth be exempted from being made or appointed Sheriff of any County in this Colony.

Burgeses exempted from being made Sheriffs.

IV. *AND be it further enacted, by the Authority aforesaid,* that if any Person, being a Member of the House of Burgeses, shall hereafter accept any Office of Profit whatsoever in this Government, or hold the same in his own Name, or in the Name of any other Person in Trust for him, or for his Use and Benefit, or shall execute by himself, or his Deputy, any such Office or Place, such Person shall be incapable of sitting or voting as a Member of the House of Burgeses, and a Writ shall issue for electing a new Member in his Stead, in the same Manner as if such Person were naturally dead; and if any Person hereby disabled, or declared to be incapable, to sit or vote in the House of Burgeses, shall nevertheless presume to sit or vote as a Member thereof in any General Assembly, such Person so sitting or voting shall forfeit the Sum of fifty Pounds lawful Money, to be recovered by such Person as shall sue for the same in any Court of Record within this Colony, by Action of Debt, Bill, Complaint, or Information, wherein no Essoin, Protection, or Wager of Law, shall be allowed.

A Member of the House of Burgeses accepting any Office of Profit, his Election void.

And a new Writ shall issue.

Persons disabled sitting and voting forfeit 50l.

V. *PROVIDED nevertheless,* that such Person hereby declared to be disabled to sit and vote in the House of Burgeses, by Reason of his accepting such Office of Profit, shall and may be capable of being again elected.

A Burgeses accepting an Office of Profit may be re-elected.

Signed by WILLIAM GOOCH, Esq; Governour.
JOHN HOLLOWAY, Speaker.

A. D. 1734.

WILLIAM
GOOCH, Esq;
Governour.

At a GENERAL ASSEMBLY begun and held at *Williamsburg*, the 1st Day of *February*, in the 1st Year of the Reign of our Sovereign Lord GEORGE II. by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and from thence continued, by several Prorogations, to the 22d Day of *August* 1734, being the fourth Session of this present General Assembly.

C H A P. I.

An Act for more effectually obliging Persons to buy and sell by Weights and Measures, according to the English Standard. (a)

Preamble.

I. FORASMUCH as the buying and selling by false Weights and Measures is of late much practised in this Colony, to the great Injury of the People :

After the 10th
of June 1736
none shall buy
or sell but by
Weights and
Measures, ac-
cording to the
Standard of the
Exchequer.

Penalty.

II. BE it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and by the Authority of the same, that from henceforth there shall be but one Weight, one Measure, one Yard, and one Ell, according to the Standard of the Exchequer in *England*; and whosoever shall sell or buy by, or keep, any other Weight, Measure, Yard, or Ell, whereby any Corn, Grain, Salt, or other Thing, is bought or sold, after the tenth Day of *June* one Thousand seven Hundred and thirty six, shall forfeit for every Offence twenty Shillings, being thereof lawfully convicted, by the Oath of one sufficient Witness, before any Justice of the Peace of the County where the Offence shall be committed; to be levied, by Distress and Sale of the Goods of the Offender, for the Use of the Poor of the Parish, rendering the Overplus to the Party so offending: And in Default of such Distress such Justice of the Peace shall commit the said Party to the common Gaol or Prison, there to remain, without Bail or Mainprize, until he shall pay such Forfeitures as aforesaid.

Such Weights
and Measures to
be provided by
the Counties,
eighteen
Months after
the End of the
Session.

III. AND to the End all People may be more easily provided with such Weights and Measures, Be it further enacted, that the Justices of Peace of every County, where they have not already provided the same, shall, within eighteen Months after the End of this Session of Assembly, provide, at the Charge of their respective Counties, Brass Weights of Half Hundreds, Quarterns, Half Quarterns, seven Pounds, four Pounds, two Pounds, and one Pound Weight, according to the said Standard; and Measures of Bushel, Half Bushel, Peck, and Half Peck, dry Measure, according to that Standard; and Gallon, Pottle, Quart, and Pint, of Wine Measure, according to the said Standard, with proper Scales for the Weights; upon Pain of forfeiting, by every Justice sworn into the Commission

(a) See 22. Geo. 2. (1748) Cap. 20. Sect. 10. Millers to keep sealed Measures.

5. Geo. 3. (1765) Cap. 4. Sect. 28. Justices to provide Weights and Scales for the publick Warehouses.

of the Peace, five Shillings for every Month such Weights and Measures shall be wanting: To be recovered, by Action of Debt, or Information, in any Court of Record in this Colony; one Moiety whereof shall be to the King, his Heirs, and Successors, for supporting the contingent Charges of this Government, and the other Moiety to the Informer.

A. D. 1734.

IV. AND the said Weights and Measures so to be provided shall be kept from Time to Time by such Person as shall be appointed by the County Courts respectively, to which all Persons may resort for trying their Weights and Measures; and when they are tried, and found to agree with the Standard, the same shall be sealed, by the Person keeping such Standard, with a Seal, to be likewise provided by the Justices as aforesaid: And that the Fees, to the Persons intrusted with the keeping of such Standard Weights and Measures, be, for the trying every Steelyard, and Certificate thereof, one Shilling; for the trying any Weights or Measures, and sealing the same, fourpence for every such Weight or Measure sealed, to be paid by the Person for whom the Service shall be done, any former Law, Custom, or Usage, to the contrary hereof, in any Wise notwithstanding.

Tried Weights and Measures shall be sealed.

Fees for trying and sealing.

V. *PROVIDED* always, that this Act, or any thing herein contained, shall not be construed to prohibit any Person or Persons whatsoever from buying and selling by Steelyards which shall be tried by and agree with the Standard aforesaid, where the Buyer and Seller, Payer and Receiver, shall both consent thereto, any thing in this Act contained to the contrary hereof in any Wise notwithstanding.

Not to prohibit buying and selling by tried Steelyards.

CHAP II.

An Act for the better Support and Encouragement of the College of William and Mary, in Virginia. (a)

I. **W**HEREAS the College of *William and Mary* in *Virginia*, consisting of a President, six Masters, or Professors, and one Hundred Scholars, more or less, Graduates, or Non Graduates, founded and endowed by *William and Mary*, of blessed Memory, late King and Queen of *England*, &c. by their Royal Charter, under the Great Seal of *England*, bearing Date at *Westminster* the eighth Day of *February*, in the fourth Year of their Reign, and since encouraged and supported by several other Gifts and Donations, hath of late been much injured in its Revenues by divers Frauds and Abuses, particularly in the Exportation of Tobacco from hence to other *British* Plantations in *America*, without paying the Duty of one Penny *per* Pound, imposed by a Statute of the Parliament of *England*, made in the twenty fifth Year of the Reign of King *Charles II.* which was granted by the said Royal Charter, among other Things, to certain Trustees therein appointed for erecting, building, and founding the said College, and since transferred by the Survivors of them, pursuant to the Charter, to the said President and Masters; and in the Exportation of Skins and Furs, without paying the several Duties imposed by an Act of the General Assembly, of the fourth Year of the Reign of the late Queen *Anne*, for the better Support of the said College: So that by the Deficiency of those Revenues, which fall short of the annual Expense of the College about one Hundred and fifty Pounds *per Annum*, it is fallen much in Debt; and that must increase when the Edifices and Buildings thereunto belonging shall require Repairs, which must necessarily be expected.

Preamble.

(a) See Act 4. Ann. (1705) Cap. 5. and Notes subjoined.

A. D. 1734.

No Goods to
be shipped to the
Plantations
without Oath to
the Contents of
the Packages.

The Duty of
the Naval
Officer.

Penalty on
making a false
Oath.

Masters of
Ships shall make
Oath to the
Quantity of
Tobacco on
Board.

The Duty of
the Naval
Officer.

Penalty on
making a false
Oath.

Not to affect
the Collectors
appointed by
Act of Parlia-
ment, 25.
Car. II.

No Tobacco
to be carried to
North Carolina
without paying
the Duty.

Skins and
Furs not to be
packed with
other Things.
Oath to be
made to the
Quantity, and a
Certificate ob-
tained.

II. AND forasmuch as the supporting and encouraging so hopeful a Work is of the greatest Importance to the People of this Colony, for the Advancement of Learning, and the good Education of their Youth, wherein we have already seen some good Effects, *Be it enacted, by the Lieutenant Governour, Council, and Burgeßes, of this present General Assembly, and by the Authority of the same,* that from henceforth if any Person shall ship on Board any Ship, or other Vessel, bound to any of the *British* Plantations in *America*, any Goods, Merchandise, or Commodities whatsoever, such Person shall, either before the same shall be shipped, or within five Days after, make Oath, before some Justice of the Peace of the County where he lives, to the several Parcels or Packages of such Goods, Merchandise, or Commodities so shipped, and the Contents thereof, and that no Tobacco is contained therein; or if any Tobacco shall be packed in such Parcels, he shall make Oath to the true Quantity, upon Pain of forfeiting all such Goods, Merchandise, and Commodities, or the Value thereof. And the Justice of Peace before whom such Oath shall be made shall certify the same under his Hand; and such Certificate shall be delivered to the Master of the Ship or Vessel, who shall deliver the same to the Naval Officer of the District, at the Time of his clearing. And no Naval Officer shall clear any such Ship or Vessel until such Certificate be produced; and a Copy of such Certificate shall, by the Naval Officer, be delivered or sent to the Collector of the Duty of a Penny *per* Pound in the same District, before clearing. And any Person making a false Oath in the Premises, and being thereof lawfully convicted, shall suffer as for Perjury in a Court of Record, by the Laws of *England*.

III. *AND be it further enacted,* that every Master of any Ship or Vessel, or other Person clearing or concerned in loading any Ship or Vessel, going to any *British* Plantation in *America*, before his clearing shall make Oath, before the Naval Officer of the District, to the Quantity of Tobacco he hath on Board, if he hath any, or that he hath no Tobacco, and will take none on Board without paying the Duty, a Copy of which Oath such Naval Officer shall transmit to the Collector of the Customs of the Port whither such Ship or Vessel shall be bound; and any Person making a false Oath therein, and being thereof lawfully convicted, shall suffer as for Perjury in a Court of Record, by the Laws of *England*.

IV. *PROVIDED* always, that nothing herein contained shall be construed, deemed, or taken, to alter, change, or infringe, the Powers, Privileges, or Allowances, of the several Collectors of the said Duty of one Penny *per* Pound, appointed, or to be appointed, by the Commissioners of his Majesty's Customs in *Great Britain* for the Time being, pursuant to the Act of Parliament made in the twenty fifth Year of the Reign of King *Charles II.* for the collecting, levying, and receiving, the said Duty, or Penalties therein mentioned.

V. AND to the End no Tobacco may be carried into the Province of *North Carolina*, in Order to be exported from thence, which is of late much practised, without paying the Duty in either Colony, *Be it further enacted,* that if any Person shall carry any Tobacco into the said Province, without paying the said Duty of one Penny *per* Pound, the Owner thereof shall forfeit the Value of such Tobacco.

VI. AND for preventing Frauds in the Exportation of Skins and Furs, *Be it further enacted,* that no Skins or Furs shall be hereafter packed, in Order to be shipped off, with any other Thing; and every Person intending to export any Skins or Furs, before the same shall be shipped, shall make Oath, before some Justice of the Peace of the County where he lives, to the several Parcels or Packages intended to be shipped, and the Number of Skins and Furs, and the Kinds thereof, and Pounds of Beaver (if any) therein contained, and that no

other Thing is packed therein: Which Oath shall be certified as aforesaid, and the Certificate shall be delivered by the Master of the Ship or Vessel wherein the same shall be shipped, before his clearing, to the Naval Officer, who shall receive of the Owner of such Skins and Furs the several Duties by the said Act imposed; and, without distinguishing between Buck and Doe Skins, shall account all Deer Skins so shipped to be one Third Buck and two Thirds Doe Skins.

A. D. 1734.

What Duty payable for Deer Skins.

VII. AND to the End the said Duties upon Skins and Furs may not be defrauded, by the carrying the same by Land or Water into *Maryland, Pennsylvania, or North Carolina*, which is very easy, and much practised by many People, not only to the impoverishing the College but to the great Diminution of the Trade of this Colony, *Be it further enacted*, that where any Person or Persons shall be hereafter found travelling upon the Frontiers, with any Skins or Furs, it shall be lawful for any Justice of the Peace, Sheriff, or Constable, of the County where such Person shall be found, to seize such Skins and Furs, unless the Person or Persons carrying the same shall produce a Certificate, under the Hand of a Justice of the Peace in this Colony, that he is an Inhabitant of the Colony, and moreover shall make Oath that he will not carry the said Skins or Furs, or cause the same to be carried, into any other Colony or Province, without paying the said Duties; and in Case any Skins or Furs shall be hereafter seized by Virtue of this Act, one Moiety thereof shall be forfeited to the Person seizing the same, and the other Moiety to the King, his Heirs, and Successors, for the better Support of the College of *William and Mary in Virginia*.

Skins and Furs in the Possession of Travellers may be seized.

VIII. AND *be it further enacted*, that where any Hides, Skins, or Furs, shall be exported, either by Land or Water, contrary to this or the said former Act, the Owner shall forfeit the Value thereof; and that one Moiety of all the Penalties herein inflicted, and not otherwise disposed of, shall be to the King, his Heirs, and Successors, for the better Support of the College of *William and Mary in Virginia*, and the other Moiety to the Informer, to be recovered, with Costs, by Action of Debt, or Information, in any Court of Record in this Dominion.

Forfeiture of the Value on Exportation.

IX. AND to the End the said President and Masters may not depend altogether upon the Provisions herein made for the Improvement of their Revenues, which may be perhaps still precarious, but may receive a more certain Relief, *Be it further enacted*, that after the twenty fifth Day of *October*, in the Year of our Lord one Thousand seven Hundred and thirty five, the whole Duty of one Penny for every Gallon of Rum, Brandy, and other distilled Spirits, and of Wine, imported, laid by one Act of the General Assembly, made at a Session held in the twelfth Year of the Reign of the late King *George I.* to continue for twenty one Years, out of which two Hundred Pounds *per Annum* was appropriated for the Relief of the said College, be given to the said President and Masters, and their Successors, for the Residue of the said Term, and shall be applied and disposed of to such good Uses, for the better Support of the College, as by the Visitors and Governours of the College, or the greater Part of them, shall from Time to Time be directed and appointed, so as some Part thereof shall be laid out and applied for buying such Books, for the Use of the Scholars and Students in the College, as the said Visitors and Governours, or the greater Part of them, shall think most necessary; and such Books so to be bought shall be marked thus, *The Gift of the General Assembly of Virginia, in the Year 1734*, and shall for ever be preserved and kept in the publick Library of the said College.

The whole Duty of 1 d. per Gallon appropriated to the Use of the College after 25 Octob. 1735.

Under the Direction of the Visitors and Governours.

X. AND *be it further enacted*, that the President, Masters, Scholars, and Students, of the College of *William and Mary in Virginia*, and all the domestick Servants belonging to the College, be from henceforth exempted from being listed as Tithables in the County of *James City*, and from paying any publick, County, or Parish Levies, for ever.

President, &c. not to pay Levies. Provided for by 22 Geo. 2. (1748) Cap. 16. Sect. 2.

A. D. 1734.

C H A P. III.

An Act to oblige the Justices of James City and York to levy Tobacco, for certain Officers for the City of Williamsburg. (a)

Private.

* The Word
the not in the
Roll.

I. **W**HEREAS * the Mayor, Recorder, and Aldermen, of the City of *Williamsburg*, or any three of them (whereof the said Mayor, Recorder, or the last preceding Mayor, shall be one) are authorized and empowered, by Law, to take the Examination of any Person or Persons whatsoever suspected of having committed any capital Crime, or other Offence triable in the General Courts, or Courts of *Oyer and Terminer*, and upon such Examination, if they see Cause, by Mittimus under their Hands, to commit such Offender or Offenders to the publick Gaol of the said City; and forasmuch as the Mayor, Recorder, and Aldermen, of the said City, have not Power, by Law, to levy Tobacco, for defraying the Charges necessarily accruing by Reason of such Examinations:

II. *BE it therefore enacted, by the Lieutenant Governour, Council, and Burgesses, of this General Assembly, and it is hereby enacted, by the Authority of the same, that the Justices of the Court for the County of James City, and the Justices of the Court for the County of York, shall, and they are hereby required, yearly, at the Time of laying the Levy for their respective Counties, to levy so much Tobacco as is now due, or which hereafter shall be due, for the Sergeant of the said City, for the Commitment, maintaining in Prison, and Releasement, of Prisoners committed to his Charge for criminal Offences, and for summoning a Court and Witnesses for their Examination; for the Clerk of the Court of Hustings, for his Attendance at the Examination of such Criminal Offenders; and for the Constable of the said City, for serving Warrants upon such Criminal Offenders, as is by Law allowed to be levied for the Sheriff, County Court Clerk, and Constable, for Services of the like Sort in the several Counties of this Colony, that is to say: The Justices of the Court for the said County of James City shall levy such of the said Charges as shall be occasioned by Reason of Offences committed in that Part of the said City, and the Jurisdiction thereof which lies in the said County of James City; and the Justices of the Court for the said County of York shall levy such of the Charges as shall be occasioned by Reason of Offences committed in that Part of the said City, and the Jurisdiction thereof which lies in the said County of York. All which Tobacco, so levied, shall be paid by the Sheriff, or other Collector of the County Levy, of the said Counties of James City and York, respectively, to the several Persons for whom the same shall be levied, in the same Manner as the other Creditors in the County Levy shall be paid.*

(a) See the Act of 4 Ann. (1705) Cap. 20. of the Edit. 1733. by which it is enacted that it shall and may be lawful for the Constables of *Bruton* Parish, appointed or to be appointed by the Courts of the Counties of *James City* or *York*, respectively, to do and execute all Matters and Things appertaining to the Office of a Constable within any Part of the City of *Williamsburg*, and Half a Mile compass from the same; which Clause is inserted here alone, because every other Part of that Act is repealed.

A. D. 1734.

C H A P. IV.

An Act for the Relief of such Persons as have suffered, or may suffer, by the Loss of the Records of Nansemond County, lately consumed by Fire. (a)

I. **W**HEREAS, in the Month of *April* last past, the House of *Christopher Jackson*, Clerk of the County of *Nansemond*, wherein the Records of the said County were kept, was, together with the greater Part of the said Records, by Accident of Fire, burnt and consumed; and this Assembly being willing to afford all possible Relief to the Persons concerned in the said Misfortune, whose Estates, Titles, and Interests, may be affected thereby: *Be it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same*, that the Court of the County of *Nansemond*, when any original Deeds, with the Endorsement of the Acknowledgment, or Proof thereof, and Order for recording the same, attested by the Clerk of the Court, or the Copies of any Deeds, with such Endorsement, so attested, or of any Wills, with the Endorsement of the Proof, and Order for recording the same, so attested, or of any Judgment, Decree, or Order of Court, in like Manner attested, the original Records of which Deeds, Wills, Judgments, Decrees, or Orders, are lost, shall be produced to them for that Purpose, shall order the Clerk of the said Court to again record all such original Deeds, Copies of Deeds, or Wills, with the said Endorsements, respectively, and all such Copies of Judgments, Decrees, and Orders of Court; and the said Clerk, when he shall have recorded any Thing in Pursuance of this Act, shall endorse the same thus, *Recorded according to the Form of the Act of Assembly of the eighth Year of King George II.* to which he shall subscribe his Name, and likewise enter the same Endorsement upon Record, with the Thing recorded, which shall have the same Operation and Effect in the Law, to all Intents and Purposes, as if the said original Records had not been lost.

II. *AND be it further enacted*, that the Clerk of the said Court shall do and perform the Services in this Act mentioned for the same Fee that is or shall be allowed by Law, in other Cases, for a Copy of any Thing herein before mentioned; and in like Manner he shall take no other or greater Fee for the recording any Deed which hath been already made and recorded, or shall be made, by Occasion only of the Misfortune aforesaid, for the settling the Right or Title of any Person or Persons whatsoever to Lands and Tenements, Slaves, or Goods and Chattels, than in other Cases is or shall be allowed by Law for a Copy of any such Deed, any Law, Custom, or Usage, to the contrary hereof notwithstanding.

III. *AND* for perpetuating the Testimony of Witnesses in Relation to any Deed, Will, Inventory, or other Writing, recorded in the said County Court, where the Original is lost, and no attested Copy thereof can be produced, *Be it further enacted*, that it shall and may be lawful for the Governour, Lieutenant Governour, or Commander in Chief of this Colony for the Time being, to issue one Commission or more, under the Great Seal of the Colony, to twelve able and discreet Persons directed, giving them, or any four or more of them, full Power and Authority to meet at some convenient Time and Place by them to be appointed, and to adjourn from Time to Time as they shall think fit; and to summon, hear, and examine, all Witnesses, at the Instance of any Person whatsoever,

(a) See 10 Geo. 2. (1736) Cap. 5.

12 Geo. 2. (1738) Cap. 2.

15 Geo. 2. (1742) Cap. 1.

28 Geo. 2. (1755) Cap. 5.

A. D. 1734. touching the Premises; and to take their Depositions in Writing, and to return the same, with such Commission, to the Secretary's Office: And such Depositions shall be laid before the General Assembly at the next Session, to the End they may be enabled to give such effectual Relief to the Sufferers by the Loss of the said Records as to them * shall seem most just and reasonable. And the said Commissioners shall have Power to appoint some fit Person, skilled in Clerkship, to attend them, for keeping a Journal of their Proceedings, and drawing the Depositions aforesaid; which Person shall be paid for his Service, by the said County of *Nansemond*.

* shall not in the Roll.

Signed by WILLIAM GOOCH, Esq; Governour.
Sir JOHN RANDOLPH, Speaker.

A. D. 1736.
WILLIAM
GOOCH, Esq;
Governour.

At a GENERAL ASSEMBLY summoned to be held at the Capitol, in the City of *Williamsburg*, on the 1st Day of *August*, in the 9th Year of the Reign of our Sovereign Lord GEORGE II. by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and from thence continued, by several Prorogations, to the 5th Day of *August*, in the 10th Year of his said Majesty's Reign, and in the Year of our Lord 1736.

C H A P. I.

An Act to declare who shall have a Right to vote in the Election of Burgesses to serve in the General Assembly for Counties, and for preventing fraudulent Conveyances in Order to multiply Votes at such Elections. (a)

Recital.

I. **W**HEREAS divers Frauds have of late been practised, to create and multiply Votes, in Elections of Members to serve in the General Assembly, by making Leases of small and inconsiderable Parcels of Land, upon feigned Considerations, and by sub-dividing Lots of Ground in Towns, in Prejudice of the Rights of the true Freeholders, and contrary to the true Intent and Meaning of the Laws in that Behalf:

The Qualifications of the Electors.

II. *BE it therefore enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and by the Authority of the same, that no Person or Persons whatsoever shall hereafter have a Right to vote at any Election of Members to serve in the General Assembly, for any County, who hath not an Estate of Freehold, or other greater Estate, in one Hundred Acres of Land at least, if no Settlement be made upon it, or twenty five Acres, with a House and Plantation, in his Possession, or in the Possession of his Tenant or Tenants for*

(a) See 4 Ann. (1705) Cap. 1. with Notes subjoined.

Term of Years, in the same County where he gives such Vote; but if any Person or Persons shall have such Estate in one Hundred Acres of Land uninhabited, or upwards, lying in two or more Counties, such Persons shall have a Right only to vote in that County wherein the greater Quantity of the said Land lies, although the same shall not amount to one Hundred Acres in either County.

A. D. 1736.

III. *AND be it further enacted*, that all Estates and Conveyances whatsoever, heretofore or hereafter to be made to any Person or Persons, in any fraudulent or collusive Manner, on Purpose to qualify him or them to give his or their Vote or Votes at such Elections, shall be null and void, to all Intents and Purposes whatsoever; and that every Person who shall make and execute such Conveyance or Conveyances hereafter, or, being privy to such Purpose, shall devise or prepare the same; and every Person who, by Colour thereof, shall give any Vote at any Election of a Member to serve in the General Assembly for a County, shall, for every such Conveyance so made, or Vote so created or given, forfeit the Sum of forty Pounds, to any Person who shall sue for the same; to be recovered, with Costs, by Action of Debt or Information, in any Court of Record in this Colony.

Conveyances on Purpose to qualify Persons to vote declared void.

Penalty on Persons who make or prepare, or vote, by Colour of such Conveyances.

IV. *AND be it further enacted, by the Authority aforesaid*, that from henceforth no Person shall vote for the electing any Burgesses, in Respect or in Right of any Lands or Tenements whereof he has not been in Possession for one whole Year next before the Tette of the Writ for such Election, unless such Lands or Tenements came to such Person within that Time by Descent, Marriage, Marriage Settlement, or Devise.

No Vote to be given in Respect of a Freehold unless possessed by the Party a Year before the Tette of the Writ.

V. *PROVIDED always*, that nothing in this Act contained shall be construed to hinder any Person to vote at such Elections, in Respect or in Right of any Houses, Lands, or Tenements, lying and being in any City or Town laid out and established by Act of Assembly, so as such Person be a Freeholder in any House and Lot, or a House and Part of a Lot; but where the Interest in any such House and Lot, or House and Part of a Lot, is or shall be divided among several Persons, no more than one single Voice shall be admitted for one and the same House or Lot.

Freeholders in any Town, their Qualifications.

VI. *PROVIDED also*, that where Lands are held by several joint Tenants, or Tenants in common, no more than one single Voice shall be admitted in Respect or in Right of such Lands, unless the Quantity be sufficient to allot to each joint Tenant, or Tenant in common, one Hundred Acres at least, if the same be uninhabited, or twenty five Acres, with a House and Plantation thereon, in the Tenure and Occupation of such joint Tenant, or Tenant in common, or of their Tenants.

Joint Tenants, or Tenants in common.

VII. *AND* whereas by one Act of the General Assembly, made in the fourth Year of the Reign of the late Queen Anne, intituled *An Act for regulating the Election of Burgesses, for settling their Privileges, and ascertaining their Allowances*, it is enacted that every Freeholder before he is admitted to poll at any Election, if it be required by the Candidates, or any of them, or any other Freeholder in their Behalf, shall take the Oath therein mentioned: *Be it enacted, by the Authority aforesaid*, that the said Act, as to so much only as concerns the said Oath, shall be and is hereby repealed; and that upon every Election hereafter to be made of any Burgesses or Burgesses for a County to serve in the General Assembly, every Freeholder, before he is admitted to poll at the same Election, shall, if required by the Candidates, or any of them, or any Persons appointed to manage the Election for any absent Candidate, first take the following Oath (or, if he be one of the People called Quakers, shall declare the Effect of the same upon his Affirmation) *viz.*

Recital.

So much of the Act 4. Ann. as relates to the Oath to be taken by the Electors, repealed.

A. D. 1736.

The Oath
appointed to be
taken.

YOU shall swear that you are a Freeholder in the County of _____ and have at least one Hundred Acres of Freehold Lands unseated, lying and being in the Parish of _____ in the County of _____ in your sole Possession, or in the Possession of your Tenant or Tenants for Years; or that you have one Hundred Acres of Freehold Lands unseated, lying and being in the Counties of _____ in your sole Possession, or in the Possession of your Tenant or Tenants for Years; and that the greatest Part of the said Land doth lie in the County of _____ or that you are Freeholder and sole Owner of twenty five Acres of Land, with a House and Plantation upon it, lying and being in the County of _____ in your sole Possession, or in the Possession of your Tenant or Tenants for Years; or that you are a Freeholder and sole Owner of a House and Lot, or a House and Part of a Lot, in your own Possession, or the Possession of your Tenant or Tenants, lying and being in the City or Town of _____; and that such Freehold Estate hath not been made or granted to you fraudulently, on Purpose to qualify you to give your Vote; and that you have not been polled before at this Election.

Penalty in Case
of Perjury.

Which Oath, or Affirmation, the Sheriff by himself, his Under Sheriff, or such sworn Clerk or Clerks as shall be by him appointed for taking of the Poll, is hereby required to administer; and in Case any Freeholder, or other Person, taking the said Oath or Affirmation hereby appointed, shall thereby commit wilful and corrupt Perjury, and be thereof convicted, or if any Person do unlawfully and corruptly procure or suborn any Freeholder, or other Person, to take the said Oath or Affirmation, in Order to be polled, whereby he shall commit such wilful and corrupt Perjury, and be thereof convicted, he and they, for every such Offence, shall incur the like Pains and Penalties as are in and by one Act of Parliament, made in the fifth Year of the Reign of the late Queen Elizabeth, intituled *An Act for Punishment of such Persons as shall procure or commit any wilful Perjury*, enacted against all such who shall commit wilful Perjury, or suborn or procure any Person to commit any unlawful or corrupt Perjury, contrary to the said Act.

The Duty of
the Sheriff, and
his Clerks, at
and after the
taking the Poll.

VIII. AND the better to detect and punish any Offenders against this Act, Be it enacted, by the Authority aforesaid, that in taking the Poll the Sheriff, or his Under Sheriff, and Clerks, shall enter sworn or affirmed against the Name of every such Voter who shall take the Oath or Affirmation hereby required; and that the said Sheriff shall, within the Space of twenty Days next after such Election, faithfully deliver, upon Oath (which Oath any Justice of the Peace is hereby enabled and required to administer) unto the Clerk of the same County Court, attested Copies of the Original Poll of such Election, without any Embezzlement or Alteration, to be recorded among the Records of such County Court.

C H A P. II.

An Act to prevent cutting up Tobacco Suckers. (a)

Recital.

I. WHEREAS, at a General Assembly begun and held at the Capitol the twenty first Day of May, in the third Year of his Majesty's Reign, an Act was made *For repealing the Act for the better and more effectual improving the Staple of Tobacco, and for the better Execution of the Laws now in Force against tending Seconds, and for the further Prevention thereof*, which, among other Things, doth require that where the Constables, in their Perambulations, directed by the said Act, shall find or discover any Slips or Suckers

(a) See 4. Ann. (1705) Cap. 12. with the Notes subjoined.

growing upon any Plantation above the Height of nine Inches, and the Owner or Overseer shall refuse to cut up and destroy them, the Constables shall cause the same to be cut up and destroyed, which has been very inconvenient, in destroying a very good Manure, and impoverishing the Land of the Planters of Tobacco:

A. D. 1736.

II. *BE it therefore enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that so much of the said Act, and the Oath therein directed to be taken by the Constables, so far as the same doth direct the cutting up of Slips and Suckers, which are not turned out and tended in Order to make Seconds, be and is hereby repealed and made void, and that no Planter shall hereafter be obliged to cut up the Suckers growing naturally from the Root or Stalk of any Tobacco Plants that shall have been cut down.

Repeal of Part of the former Act.

III. *AND for the better Direction of the Justices and Constables in their respective Duties, Be it enacted,* that every Constable shall take an Oath, before some Justice of the Peace of the County wherein he or they respectively reside (which Oath the said Justice is hereby empowered and required to administer) in the Words following, *viz.*

Constables to be sworn.

I A. B. *do swear that I will diligently and carefully view the several Fields and Places whereon Tobacco shall be planted and tended within the Precinct whereof I am Constable, and will make true Information of all Persons within my said Precinct whom I shall know to be guilty of the Breach of any Law of this Colony made against tending of Slips or Seconds, to the next Court held for my County, after the same shall come to my Knowledge. So help me God.*

The Oath.

IV. *AND every Constable performing his Duty, according to the Directions of this and the before recited Act, so far as the same is in Force, and unrepealed, shall have and receive the like Encouragement as in and by the said recited Act is directed and prescribed.*

The Reward.

V. *PROVIDED nevertheless,* that the Justices shall not levy any Tobacco for the Constables if it shall appear to them that they have not made their Perambulations, and done their Duty, according to the true Intent and Meaning of the said Act; and if any Constable shall refuse to take upon him the Duty directed by the said Act, or taking the Oath herein before directed, shall neglect his Duty, he shall forfeit one Thousand Pounds of Tobacco; one Moiety to his Majesty, his Heirs, and Successors, for and towards the Support of the Government, and the contingent Charges thereof, and the other Moiety to the Informer, to be recovered by Action of Debt in any Court of Record in this Colony.

But not to be levied if they neglect their Duty, but they shall be subject to a Penalty.

C H A P III.

An Act for confirming and better securing the Titles to Lands in the Northern Neck held under the Right Honourable Thomas Lord Fairfax, Baron of Cameron, in that Part of Great Britain called Scotland. (a)

I. **W**HEREAS the late King CHARLES II. by certain Letters Patents, under the Great Seal of England, bearing Date at Westminster the eighth Day of May, in the one and twentieth Year of his Reign, reciting, that

Recital of the Patent 21 Car. 2. wherein is recited another Patent 1 ejusdem Regis.

(a) See 22. Geo. 2. (1748) Cap. 41. confirming Grants of Lands in the Northern Neck made by his Majesty.

A. D. 1736.

he, taking into his Royal Consideration the Propagation of the *Christian* Faith, and the manifold Benefits arising to the Church of GOD, together with the Welfare of Multitudes of his loyal Subjects, by the undertaking and vigorous Prosecution of Plantations of foreign Parts, and particularly in his Dominions of *America*, by his Letters Patent, under the Great Seal of *England*, bearing Date at *Saint Germain's en Ley* the eighteenth Day of *September*, in the first Year of his Reign, for the Consideration therein expressed, had given, granted, and confirmed, unto *Ralph Lord Hopton*, *Henry Earl of St. Alban's*, by the then Name of *Henry Lord Jermyn*, *John Lord Culpeper*, *John Lord Berkeley*, of *Stratton*, by the then Name of *Sir John Berkeley*, *Sir William Morton*, one of the Justices of his Court of *King's Bench*, by the then Name of *Sir William Morton*, *Sir Dudley Wyatt*, and *Thomas Culpeper*, their Heirs, and Assigns, for ever, all that entire Tract, Territory, or Parcel of Land, situate, lying, and being in *America*, and bounded within the Heads of the Rivers *Rappahannock* and *Quiriongh*, or *Potomack* River, the Courses of the said Rivers, as they are commonly called and known by the Inhabitants, and Descriptions of those Parts, and *Chesapeake* Bay, together with the Rivers themselves, and all the Islands within the Banks of those Rivers, and all Woods, under Woods, Timber, and Trees, Ways, Waters, and Rivers, Ponds, Pools, Water Courses, Fishings, Streams, Havens, Ports, Harbours, Creeks, Wrecks of Sea, Fish Royal, Deer, wild Beasts, and Fowl, of what Nature and Kind soever, Mines of Gold and Silver, Lead, Tin, Iron, and Copper, and Quarries of Stone and Coal, which then were, or at any Time thereafter should be had, coming, being, and arising, renewing, accruing, found, or taken, within the Bounds or Precincts aforesaid, together with the Royalty of hawking and hunting, for themselves, their Heirs, and Assigns, Servants, and Tenants, in and upon the Lands and Premises aforesaid; saving and reserving to him, his Heirs, and Successors, one full fifth Part of all Gold Mines, or Gold Oar, and one full tenth Part of all Silver Mines, or Silver Oar, thereafter to be found within the said Tract or Territory of Land, to have, hold, and enjoy, all the said entire Tract, Territory, or Portion of Land, and all and singular other the Premises, with their and every of their Appurtenances, thereby granted or mentioned, or intended to be granted (except as before is excepted) to the said *Ralph Lord Hopton*, *Henry then Lord Jermyn*, now *Earl of Saint Alban's*, *John Lord Culpeper*, *Sir John Berkeley*, now *Lord Berkeley*, of *Stratton*, *Sir William Morton*, *Sir Dudley Wyatt*, and *Thomas Culpeper*, their Heirs, and Assigns, for ever, to their only Use and Behoof, and to no other Use, Intent, or Purpose, whatsoever; yielding and paying therefore, yearly, at the Feast of *Saint John the Baptist*, to his said Majesty, his Heirs, and Successors, the Sum of six Pounds thirteen Shillings and fourpence, at the Receipt of *Jamestown*, in the Dominion of *Virginia*, in Lieu of all Services and Demands whatsoever: Reciting also that the said *Ralph Lord Hopton*, *John Lord Culpeper*, *Sir Dudley Wyatt*, and *Thomas Culpeper*, being dead, and the said *Lord Hopton* having sold his Estate and Interest in the Premises to *John Trethewey*, Esq; the said Tract, Territory, or Parcel of Land, and all and singular other the Premises, had been surrendered, together with the said Letters Patents, to be cancelled, to the Intent that his said late Majesty might grant them new Letters Patent thereof, with such Alterations, Proviso's, and Clauses, as therein after is expressed, he the said late King, in Consideration of the said Surrender, and for and in Consideration of the many and faithful Services done to his late Royal Father, of blessed Memory, and to himself, by the said *Henry Earl of Saint Alban's*, *John Lord Berkeley*, *Sir William Morton*, and *John Trethewey*, Esq; and for divers other good Causes and Considerations him thereunto especially moving, of his especial Grace, certain Knowledge, and mere Motion, did give, grant, and confirm, unto the said *Henry Earl of Saint Alban's*, *John Lord Berkeley*, *Sir William Morton*, and *John Trethewey*, their Heirs, and Assigns, for ever, all that entire Tract, Territory, or Parcel of Land, situate, lying, and being in *America*, and bounded by and within the Head of the Rivers *Tappahannock*, alias *Rappahannock*, and *Quiriongh*, alias *Potomeck* Rivers, the Courses of the said Rivers, as they are commonly

The Death of
some of the first
Patentees, Lord
Hopton's Sale,
and the Surren-
der of the first
Patent.

Consideration.

The Grant.

called and known by the Inhabitants and Descriptions of those Parts, and *Cheapeake* Bay, together with the Rivers themselves, and all the Islands within the Banks of those Rivers, and all Woods, under Woods, Timber, and Trees, Ways, Waters, Rivers, Ponds, Pools, Water Courses, Fishings, Streams, Havens, Ports, Harbours, Creeks, Wrecks of Sea, Fish Royal, Deer, wild Beast and Fowl, of what Nature and Kind soever, Mines of Gold and Silver, Lead, Tin, Iron, and Copper, and Quarries of Stone and Coal, which then were, or at any Time thereafter should be had, coming, being, arising, renewing, accruing, found, or taken, within the Bounds or Precincts aforesaid, together with the Royalties of hawking and hunting, for themselves, their Heirs and Assigns, Servants and Tenants, in and upon the Land and Premises aforesaid, and in and upon every Part and Parcel thereof; saving, excepting, and reserving, to his said late Majesty, his Heirs, and Successors, one full fifth Part of the Whole, in five Parts to be divided, of all Gold Mines, or Gold Oar, one full tenth Part of all Silver Mines, and Silver Oar, thereafter to be had or found within the said Tract or Territory of Land, to have, hold, and enjoy, all the said entire Tract, Territory, or Portion of Land, and all and singular other the Premises, with their and every of their Appurtenances, thereby granted or mentioned, or intended to be granted (except as before is excepted) to the said *Henry Earl of St. Alban's*, *John Lord Berkeley*, *Sir William Morton*, and *John Trethewey*, their Heirs, and Assigns, for ever, to their only Use and Behoof, and to no other Use, Intent, or Purpose, whatsoever; yielding and paying therefore, yearly, at the Feast of *St. John the Baptist*, to his said late Majesty, his Heirs, and Successors, the Sum of six Pounds thirteen Shillings and fourpence, at the Receipt of *Jamestown* in *Virginia*, in Lieu of all Services and Demands whatsoever; with Power to divide the said Tract or Territory of Land into Counties, Hundreds, Parishes, Tithings, Townships, Hamlets, and Boroughs, and to erect and build Cities, Towns, Parish Churches, Colleges, Chapels, Free Schools, Alms Houses, and Houses of Correction, and to endow the same, at their free Wills and Pleasures; and did appoint them full and perpetual Patrons of all such Churches so to be built and endowed, with Power of electing, nominating, and presenting, any fit Person to the Office and Place of Master of any College, or Schoolmaster of any School, so to be founded and endowed; with Power also to divide any Part or Parcels of the said Tract or Territory, or Portion of Lands, into Manors, and to call the same after their own or any of their Names, or by other Name or Names whatsoever, and within the same to hold a Court, in the Nature of a Court Baron, and to hold Pleas of all Actions, Trespasses, Covenants, Accounts, Contracts, Detinues, Debts, and Demands whatsoever, where the Debt or Thing demanded exceed not the Value of forty Shillings of current Money of *England*, and to receive and take all Amerciaments, Fines, Commodities, Advantages, Perquisites, and Emoluments whatsoever, to such respective Court Barons belonging, or in any Wise appertaining: And further, to hold within the said Manors a Court Leet, and View of Frank Pledge, of all the Tenants, Residents, and Inhabitants, of the Hundreds within such respective Manors, to be holden twice in every Year, and to erect Fairs, Markets, Courts of Pipowder, with all Things incident thereto; and to erect Parks for breeding, feeding, and Sustentation of Deer, and other wild Beasts of Chase: And further, the said late King, by the said Charter, for himself, his Heirs, and Successors, did grant and give License to the said *Henry Earl of St. Alban's*, *John Lord Berkeley*, *Sir William Morton*, and *John Trethewey*, their Heirs, and Assigns, freely, and without Molestation of him, his Heirs, and Successors, to give, grant, or by any Ways or Means sell or alien, all and singular the Premises by these Presents granted, and every Part and Parcel thereof, to any Person or Persons being willing to contract for or buy the same; to be holden of the said *Henry Earl of Saint Alban's*, *John Lord Berkeley*, *Sir William Morton*, and *John Trethewey*, their Heirs, and Assigns, as of any of their aforesaid Manors, in free and common Soccage, by Fealty only, and by Suit of Court, or by any other lawful Tenure or Terms used within the Kingdom of *England*; rendering and paying such Rents, and other

A. D. 1736.

Habendum.

Reservation
of Rent.The Powers
granted to the
Patentees.

A. D. 1736.

New Patent
to be granted.Proviso, as to
feating.Patentees not
to intermeddle
with military
Affairs.Inhabitants
subject to the
Payment of
Taxes.And the
Laws of the
Colony.Recital of
the Patent, 4
Jac. 2. which
recites the be-
fore mentioned
Letters Patents,
and the Sale
to the Lord
Culpeper.

The Grant.

lawful Reservations, as shall seem fit and convenient to the said *Henry* Earl of *Saint Alban's*, *John* Lord *Berkeley*, Sir *William* *Morton*, and *John* *Trethewey*, their Heirs, and Assigns, notwithstanding the Statute, commonly called *Quia Emptores Terrarum*, or any other Statute, Act, or Ordinance, or Provision, or any other Thing, Cause, or Matter whatsoever, to the contrary notwithstanding: And further, the said late King, for himself, his Heirs, and Successors, did grant to the said Patentees, their Heirs, Executors, and Assigns, to enlarge and confirm the said Letters Patent, by granting to them and their Heirs other new Ones, with such favourable Concessions and Grants as might supply any Defects therein contained; with this Proviso, nevertheless, that the said Letters Patent, or any Thing therein contained, should not extend, or be construed to extend, to infringe, make void, or other Ways prejudice, any Contract or Contracts, Grant or Grants, whatsoever, theretofore made or granted by the Governour and Council of *Virginia*, unto any Planters, or other Inhabitants, then in the actual Possession thereof, by Virtue of any such Grants made before the nine and twentieth Day of *September*, in the thirteenth Year of his Reign; but if any Part of such Lands so granted should escheat, or be otherwise forfeited, then the said Patentees, their Heirs, and Assigns, might dispose thereof, for their best Benefit and Advantage, at their own free Wills and Pleasures; with this Proviso also, that so much of the said granted Premises, as within the Time and Space of one and twenty Years then next following should not be possessed, inhabited, or planted, by the Means or Procurement of the said Patentees, their Heirs, or Assigns, that then the said Letters Patent should cease, determine, and become void; and lastly, with this further Proviso, that the said Patentees, their Heirs, and Assigns, should not act or intermeddle in the military Affairs or Forces of or within the said Tract of Land and Premises thereby granted, or any Part thereof, or with the Government or Command of any of the Castles, Forts, or Fortifications thereof, without the Order, Authority, or Command, of the Governour and Council of *Virginia* for the Time being, or such other Person or Persons as his said late Majesty, his Heirs, or Successors, should think fit to dispose the same; and that the Governour, Council, and Assembly of *Virginia*, for the Time being, should have full Power and Authority to impose and lay any Taxes and Impositions upon the said Territories thereby granted, and all the Lands and Premises thereby meant and intended to be granted, and all and every the Possessor, Inhabitants thereof, for the publick and common Defence of the said Colony of *Virginia*, and the Territory and Lands thereby granted, as upon other Parts of *Virginia*, proportionably, when and as often as the Necessity of the said Colony should require the same for the common Good; and that the said Patentees, their Heirs, and Assigns, and other Inhabitants of or in the Premises, should be in all Things subject and obedient to such Laws and Constitutions as were or should be made by the said Governour, Council, and Assembly, for or concerning the said Colony, or the Government thereof, any Thing therein before contained to the contrary notwithstanding, as in the said Letters Patent more fully is contained.

II. AND whereas the late King *James* II. by other Letters Patent, under the Great Seal of *England*, bearing Date at *Westminster* the seven and twentieth Day of *September*, in the fourth Year of his Reign, reciting the above recited Letters Patents, and that the said former Patentees, their Heirs, and Assigns, had, by good and sufficient Conveyance and Assurance in the Law, for valuable Considerations, sold, conveyed, and assured, the said whole Tract, Territory, and Portion of Land, and all and singular the Premises, and every Part and Parcel thereof, and all their Estate, Right, Title, and Interest therein, together with the said Letters Patents, unto *Thomas* Lord *Culpeper*, eldest Son and Heir of *John* late Lord *Culpeper*, deceased, his Heirs, and Assigns, for ever, who was thereby become sole Owner and Proprietor thereof, in Fee Simple, for the Considerations therein mentioned, did give, grant, and confirm, unto the said *Thomas* Lord *Culpeper*, all that entire Tract, Territory, or Parcel of Land, situate, lying, and

being, in *Virginia*, in *America*, and bounded by and within the first Heads or Springs of the Rivers of *Tappahanock* (alias *Rappahanock*) and *Quiriough* (alias *Patomeck*) Rivers, the Courses of the said Rivers, from their said first Heads or Springs, as they were commonly called and known by the Inhabitants, and Descriptions of those Parts, and the Bay of *Chesapeak*, together with the said Rivers themselves, and all the Islands within the uttermost Banks thereof, and the Soil of all and singular the Premises, and all Lands, Woods, under Woods, Timber, and Trees, Ways, Mountains, Swamps, Marshes, Waters, Rivers, Ponds, Pools, Lakes, Water Courses, Fishings, Streams, Havens, Ports, Harbours, Bays, Creeks, Ferries, with all Sorts of Fish, as well Whales, Sturgeons, and other Royal Fishes, as all others whatsoever, Wrecks of Sea, *Floatson*, *Jetson*, and *Lagan*, and all Sorts of Deer, wild Beasts, and Fowl, of what Nature or Kind soever, and all Manner of Deodands, Goods of Felons and Fugitives, Treasures Trove, Waifs, Strays, Fines, Forfeitures, Escheats, Advowsons, Royalties, and Hereditaments whatsoever, with all Mines of Gold and Silver, Lead, Tin, Iron, and Copper, and all Quarries of Stone and Coal, within the Limits and Precincts aforesaid, which then were, or at any Time thereafter should be had, coming, being, arising, growing, renewing, accruing, found, or taken, within the Bounds, Limits, Precincts, or Places aforesaid; saving, excepting, and reserving, to his said late Majesty, his Heirs, and Successors, one full fifth Part of all Gold Mines, or Gold Oar, and one full tenth Part of all Silver Mines, and Silver Oar, then being, or which thereafter should be had or found, within the said Tract or Territory of Land; to have, hold, and enjoy, all the said entire Tract, Territory, or Portion of Land, and every Part and Parcel thereof, and all and singular other the Premises, with their and every of their Appurtenances, thereby granted or mentioned, or intended to be granted (except as before is excepted) to the said *Thomas* Lord *Culpeper*, his Heirs, and Assigns, for ever, to his and their only Use and Behoof, and to no other Use, Intent, or Purpose whatsoever; yielding and paying therefore, yearly, from thenceforth, on the Feast of Saint *John* the Baptist, to his said late Majesty, his Heirs, and Successors, the Sum of six Pounds thirteen Shillings and fourpence, at the Receipt of *Jamestown*, in the Colony of *Virginia*, in Lieu of all Services and Demands whatsoever, the first Payment to be made on the Feast Day of Saint *John* Baptist next ensuing the Date of the said Letters Patent: And his said late Majesty did thereby, for himself, his Heirs, and Successors, further give, grant, ratify, and confirm, to the said *Thomas* Lord *Culpeper*, his Heirs, and Assigns, for ever, all and singular the Grants, Powers, Authorities, Privileges, Licenses, and Clauses, in the said herein before recited Letters Patents mentioned, granted, or conveyed, in as large and ample Manner, to all Intents and Purposes whatsoever, as if the same, and every of them, had been particularly granted and expressed in these his Letters Patent, except only the above mentioned Proviso; and his said late Majesty did further, of his especial Grace, certain Knowledge, and mere Motion, for himself, his Heirs, and Successors, fully and absolutely, for ever, release and discharge the said above mentioned Proviso, and every Part thereof, and every Matter and Thing therein contained, in as large and ample Manner, to all Intents and Purposes whatsoever, as if the same had never been made, thereby declaring the same to be null and void, and the said *Thomas* Lord *Culpeper*, his Heirs, and Assigns, and the Tract, Territory, and Premises, and every Part thereof, to be for ever freed, cleared, and discharged, from the same, so and in such Manner that the said *Thomas* Lord *Culpeper*, his Heirs, and Assigns, might freely and absolutely enter into, have, hold, occupy, possess, and enjoy, the said Tract, Territory, and all and singular other the Premises, freed and discharged of the said Proviso, and all Right, Title, and Equity, thereupon to be had, in as large, ample, and beneficial Manner, to all Intents and Purposes, as if the same Proviso had been never had or made, any Thing in the said recited Letters Patent, or any Thing therein, or in the last mentioned Letters Patent, to the contrary thereof, in any Wise notwithstanding, as in the said last recited Letters Patent more is fully contained.

A. D. 1736.

Habeendum.

Reservation
of Rent.

A. D. 1736.

That the Validity of Grants, made by the Agents or Attornies of the present Proprietor and his Predecessors, have been questioned.

III. AND whereas the Right Honourable *Thomas Lord Fairfax*, Baron of *Cameron*, in that Part of *Great Britain* called *Scotland*, Heir at Law to the said *Thomas Lord Culpeper*, is now become sole Proprietor of the said Territory, with the Appurtenances, and the above recited Letters Patents; and whereas divers great Quantities of Land have been granted to Adventurers and Planters within the said Territory, in Fee Simple, by the Agents and Attornies of the said Lord *Fairfax*, and his Predecessors, former Proprietors of the said Territory, and Letters Patents, by Virtue of divers Letters of Attorney, from Time to Time, by them respectively given and granted to their said Attornies and Agents, but now of late, after long Possessions, and great and valuable Improvements made upon the said Lands, by such Grantees, Questions are like to arise between them and the said present Proprietor touching the Validity of such Grants, as well in Respect to a Construction set up and maintained, of the said Letters of Attorney, that the Powers therein contained were not full and sufficient to enable and warrant the said Agents and Attornies to pass away Estates in Fee Simple, as in Respect of the said Lord Proprietor's Estate in the Premises, the same being now held by him as Tenant in Taille, under the Will or Wills of some of his Ancestors, whereby the Minds of many of his Majesty's good Subjects, Possessors of Lands and Tenements within the said Territory, are greatly disquieted, and many Controversies and expensive Lawsuits may probably ensue: For the Prevention whereof, and for settling Peace between his Lordship and his said Tenants,

A Confirmation of these Grants.

IV. BE it enacted, by the Lieutenant Governour, Council, and Burgessees, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that from henceforth all and every Grant and Grants, heretofore duly and regularly made and passed, by any of the Agents or Attornies of the Proprietors of the said Territory, or any of them, shall be good, available, and binding in Law, to pass such Estate or Estates as therein have been granted; and the Grantees, their Heirs, and Assigns, respectively, shall for ever hereafter peaceably and quietly have, hold, and enjoy, the same granted Premises, according to such granted Estates, under the Rents and Services by the said Grants reserved, notwithstanding the Infancy, Coverture, or any Misprision or Mistake of the Names, Dignity, or Title, of the said Proprietors, or either of them, or any Misrecital, Omission, or Defect, in the said Grant or Grants, or any of them, so as the same have been made and signed by the Agents or Attornies of the said Proprietors, or the Husband, Guardian or Guardians, Trustee or Trustees, of any of them, and passed under the common Seal of the Office kept by them for that Purpose.

CHAP. IV.

An Act for lessening the Allowances to Witnesses in the County Courts, and altering the Method of providing for the Passage of the Eastern Shore Burgessees to and from the General Assembly. (a)

The Allowance to Witnesses attending the County Courts reduced.

I. WHEREAS the Allowances appointed by Law for Witnesses attending the County Courts are too large, Be it enacted, by the Lieutenant Governour, Council, and Burgessees, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that for the future the Allowance to every Witness attending any County Court, who by Law is entitled to be paid for the same, be reduced to twenty five Pounds of Tobacco for every Day's Attendance, yet so as all Witnesses who are summoned to such Court from

(a) See 4 Ann. (1705) Cap. 1. Sect. 14.

another County shall be allowed for travelling to and from Court, and Ferriages, as before the making of this Act, any Law, Custom, or Usage, to the contrary notwithstanding. (a)

II. A N D whereas the Method and Allowance provided by Law for the Passage of the Burgeses for the Counties of *Accomack* and *Northampton*, to and from the General Assembly, is found to be too expensive, *Be it further enacted, by the Authority aforesaid*, that for the future the Sheriffs of those Counties, respectively, be discharged from impressing, or in any Manner providing, Vessels and Hands for conveying their Burgeses across the great Bay to and from the General Assembly, and that the Law, so far as relates thereto, be henceforth repealed; and that the Courts of the said Counties of *Accomack* and *Northampton*, respectively, shall levy, for each of their Burgeses attending every future Session of the General Assembly, five Hundred Pounds of Tobacco, and no more, for his Passage across the said Bay, to and from the same, besides his other Allowance appointed by Law, except when the Allowances of the Burgeses are defrayed out of the publick Monies, and in that Case fifty Shillings shall be allowed, instead of the said five Hundred Pounds of Tobacco.

The Burgeses from the Eastern Shore to provide for their own Passage, for which 500 lb. of Tobacco is allowed to each of them, or 50 s.

C H A P. V.

An Act for Relief of certain Persons who were Sufferers in the Loss of the Records of the County of Nansemond. (b)

I. **W** H E R E A S by one Clause of an Act of the General Assembly, made at the last Session, *For the Relief of such Persons as have suffered, or may suffer, by the Loss of the Records of Nansemond County, lately consumed by Fire*, for perpetuating the Testimony of Witnesses in Relation to any Deed, Will, Inventory, or other Writing, recorded in the said County Court, where the Original is lost, and no attested Copy thereof can be produced, it was enacted that it should and might be lawful for the Governour, Lieutenant Governour, or Commander in Chief of this Colony for the Time being, to issue one Commission, or more, under the Great Seal of the Colony, to twelve able and discreet Persons directed, giving them, or any four or more of them, full Power and Authority to meet at some convenient Time and Place by them to be appointed, and to adjourn from Time to Time as they should think fit, and to summon, hear, and examine, all Witnesses, at the Instance of any Person whatsoever, touching the Premises, and to take their Depositions in Writing, and to return the same, with such Commission, to the Secretary's Office, and such Depositions shall be laid before the General Assembly at the next Session, to the End that they might be enabled to give such effectual Relief to the Sufferers, by the Loss of the said Records, as to them should seem most just and reasonable; and whereas a Commission hath issued, under the Great Seal of the Colony, bearing Date the nineteenth Day of *April*, in the eighth Year of the Reign of his present Majesty, to *William Wright*, and eleven others directed, pursuant to the said Act, who have made a Return of their Proceedings in the Premises, whereby it doth appear that they have examined divers Witnesses to sundry Deeds, Wills, and other Matters, and that the several Deeds, Wills, and other Matters, mentioned in a Schedule to this Act annexed, have been well and sufficiently proved: Therefore, for making the same effectual,

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,*

(a) See 21. Geo. 2. (1748) Cap. 4. Sect. 26. this provided for.
(b) 8. Geo. 2. (1734) Cap. 4. with the Notes subjoined.

A. D. 1736. that from henceforth the Proofs of the several Possessions, Purchases, Deeds, and Wills, and the Decree in Chancery in the said Schedule mentioned, shall and may be given in Evidence in any Court of Law or Equity, and shall avail for the Benefit and Advantage of all Persons claiming under them, as much as the same can or ought to avail; and it shall and may be lawful for the Clerk of the said County Court of *Nansemond* to record the several Copies of Wills, in the said Schedule mentioned, which have been proved to have been true Copies, though not attested by any sworn Clerk.

III. AND to the End that other Persons, who have not yet been able to produce Witnesses before the said Commissioners in Relation to their Deeds, and other Evidences, which may have been lost among the Records of the said County, *Be it further enacted, by the Authority aforesaid,* that one other or more Commissions shall and may be issued and continued by the Governour, or Commander in Chief of this Colony for the Time being, for examining other Witnesses, and perpetuating the Testimony thereof, in Relation to all Deeds, Wills, Inventories, or other Writings, recorded in the said County Court, where the Original has been lost, pursuant to the said Act of Assembly, to be executed and returned as in the said Act is directed.

A Schedule, containing the Proofs of several Deeds, Wills, and other Things, made before certain Commissioners, by Virtue of a Commission under the Seal of the Colony of *Virginia*, bearing Date the nineteenth Day of *April*, in the eighth Year of his present Majesty's Reign, to them directed, pursuant to an Act of Assembly, in that Case made and provided.

Anno 1693. *Daniel Horton* purchased of *William Hood* two Hundred Acres of Land, on the north Side of *Nuckle's* Swamp, in the upper Parish of *Nansemond* County; and the said *Daniel Horton* dying intestate, possessed of the said Land, *Joseph Horton*, his Son and Heir at Law, entered, and is now in Possession thereof.

1695. *Benjamin Clark* was in quiet Possession, and continued until the Time of his Death, of a Parcel of Land in the Parish of *Suffolk*, in the County of *Nansemond*, joining on the Head of *Bennet's* Creek, near *Jordan's* Mill; and *Edward Clark*, his Son and Heir at Law, entered, and is now in Possession thereof.

1696. *James Doughtie*, Father of *Edward Doughtie*, purchased of *Thomas Jernigan*, Son of *Thomas Jernigan*, the Plantation whereon the said *Edward* now lives, lying on *Evans's* Creek, in *Nansemond* County, being Part of a Patent for seven Hundred Acres of Land, formerly granted to one *Mulford*.

1704. *John Webb* purchased of *Epaphroditus Benton* a Parcel of Land whereon he now lives, on the middle Branch of the *Cross* Swamp, in the upper Parish of *Nansemond* County.

1707. *Aaron Blanchard* purchased of *Lewis Williams* eighty Acres of Land on *Crany* Creek, in the upper Parish of *Nansemond* County, and since conveyed the same to *John Parker*, who is now in Possession thereof.

1719. *William Ragdale*, by his last Will and Testament, devised to *Margaret Sullivan* (now the Wife of *Jethro Sumner*) a Parcel of Land in *Tucker's* Neck, in the upper Parish of *Nansemond* County, to her and her Heirs for ever.

1719. The last Will and Testament of *John Peters*, deceased, bearing Date the twelfth Day of *April* 1719, was proved in the Court of *Nansemond* County, and admitted to Record, and a true Copy thereof proved.

1721. *Thomas Martin* purchased of *John Odom*, Son and Heir of *John Odom* the elder, a Parcel of Land lying at a Place called *Summerton*, in the old Field where *Summerton* Chapel now stands, in the County of *Nansemond*.

1724. The last Will and Testament of *John Brinckley*, deceased, bearing Date the ninth Day of *April* 1724, was proved in the Court of *Nansemond* County, and admitted to Record.

1725. *William Shivers*, by Deed of Gift, recorded in *Nansemond* County Court, gave to his Son *Thomas Shivers* a Parcel of Land lying at a Place commonly called

South Key, in the County of *Nansemond* aforesaid, being the Land whereon the said *Shivers* now lives. A. D. 1736.

Henry Jenkins purchased of *James Murray*, and *Elizabeth* his Wife, fifty Acres of Land in the Parish of *Suffolk*, in *Nansemond* County, adjoining to *Solomon Shepherd's* Land. 1728.

Henry Jenkins purchased of *Charles M'Duel* fifty Acres of Land (being a Tract of Land the said *M'Duel* purchased of *James Murray* and *Elizabeth* his Wife) lying in the Parish of *Suffolk*, in *Nansemond* County, adjoining to *Solomon Shepherd's* Land, and the Land the said *Jenkins* purchased of the said *Murray* and his Wife, 1729.

Nathan Mires purchased of *James Murray*, and *Elizabeth* his Wife, fifty Acres of Land in the Parish of *Suffolk*, in *Nansemond* County, adjoining *Shepherd's* Land. 1729.

Edward Moore purchased of *William Moore* a Parcel of Land, being the Land whereon the said *Edward* lives, in the County of *Nansemond*. 1729 or 1730.

Joshua Jordan purchased of *Charles Jordan* a Parcel of Land in the Parish of *Suffolk*, in the County of *Nansemond*, on *Chuckatuck* Creek, adjoining *Thomas Jordan's*, *Benjamin Jordan's*, and *William Jordan's* Land. 1731.

Theophilus Pugh purchased of *William Hickman* a Parcel of Land, in the County of *Nansemond*, on a Branch of the *Beaver Dam* Swamp. 1732.

Jonathan Roberts purchased of *James Babb* a Parcel of Land, being the Land whereon the said *Roberts* lives, in the County of *Nansemond*. 1733.

John Pinner purchased of *Henry Gay*, and *Mary* his Wife, and *Godfrey Lee*, and *Sarah* his Wife, a Parcel of Land, being the Land whereon the said *Pinner* now lives, in the County of *Nansemond*. 1733.

A Decree in Chancery passed, at the Suit of *Theophilus Pugh*, against *Peter Plackiter*, in the Court of *Nansemond* County, to foreclose the said *Peter's* Equity of Redemption in certain Lands lying in *Nansemond* County, mortgaged by the said *Peter Plackiter* to the said *Theophilus Pugh* (except the said *Peter's* Wife's Right of Dower in the said Land) as also to all the Goods and Chattels of the said *Peter*. 1733.

A Copy of the last Will and Testament of *Nathan Newby*, deceased, bearing Date the sixth Day of *July*, one Thousand seven Hundred and thirty three, was proved in the Court of *Nansemond* County, and admitted to Record. 1734.

C H A P VI.

An Act to confirm the Charter of the Borough of Norfolk, (a) and for enlarging the Jurisdiction of the Court of Hustings in the City of Williamsburg. (b)

I. **W**HEREAS by a Charter lately passed under the Great Seal of the Colony of *Virginia*, bearing Date, at *Williamsburg*, the fifteenth Day of *September*, in the tenth Year of his present Majesty's Reign, and in the Year of our Lord one Thousand seven Hundred and thirty six, the Town of *Norfolk* is erected into a Borough, by the Name of *The Borough of Norfolk*, and the Inhabitants thereof are made a Body Corporate, consisting of a Mayor, Recorder, eight Aldermen, and sixteen Common Councilmen, with Capacity to purchase

(a) See 12 Geo. 2. (1738) Cap. 3.

25 Geo. 2. (1752) Cap. 7.

30 Geo. 2. (1757) Cap. 6.

2 Geo. 3. (1762) Cap. 1.

3 Geo. 3. (1763) Cap. 6.

5 Geo. 3. (1765) Cap. 13.

(b) See Act 4. Ann. (1705) Cap. 9. with Notes subjoined.

A. D. 1736.

and receive Manors, Lands, Tenements, and Hereditaments, not exceeding one Thousand Pounds Sterling *per Annum*, and all Goods and Chattels whatsoever, to hold to them and their Successors for ever; and to plead and be impleaded, prosecute and defend, all Causes, Complaints, Actions real, personal, and mixed; and to have one common Seal, and perpetual Succession; with Power to the said Mayor, Recorder, and Aldermen, to be Justices of the Peace within the said Borough, and Directors of all Buildings and Streets in the said Borough; and to make Constables, Surveyors of the Highways, and other Officers; also to hold a Court of Hustings, once in every Month, within the said Borough; and to appoint Clerks, and other proper Officers, from Time to Time, where there shall be Occasion; and to settle and allow reasonable Fees, not exceeding the Fees allowed in the County Courts; and to have Jurisdiction, and to hold Plea of Trespass and Ejectment, and all Writs of Dower, for any Lands and Tenements within the said Borough, and all other Actions, personal and mixed, arising within the same, so as the Demand in such Action, personal or mixed, do not exceed twenty Pounds current Money, or four Thousand Pounds of Tobacco; and as a Court of Record to give Judgment, and award Execution thereon, according to Law; also with Power to the said Mayor, Recorder, Aldermen, and Common Councilmen, to erect Workhouses, and Houses of Correction, and Prisons; and to make Bye Laws and Ordinances for the Regulation and good Government of the Trade and other Matters within the said Borough, to be observed and performed by all Manner of Persons residing within the same, under reasonable Penalties and Forfeitures, to be levied by Distress and Sale of the Goods of the Offenders, for the publick Benefit of the said Borough; with Power to elect and send one Burgess to sit in the House of Burgesses, as in the said Charter is particularly directed; and to hold and keep three Markets weekly, and two Fairs yearly; and to hold Courts of Pipowders; and have and take all Tolls, Profits, and Perquisites, arising, due, and incident, from and to such Markets, Fairs, and Courts of Pipowder, as in the said Charter more fully is contained: And for strengthening and confirming the same,

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that the said Charter, and all the Clauses, Grants, Powers, Privileges, and Immunities, therein mentioned and contained, be and are hereby confirmed unto the said Borough of *Norfolk*, and the Inhabitants thereof, for ever; and that the present Recorder of the said Borough, and the Recorder thereof for the Time being, shall, in his Absence from the said Borough, have full Power and Authority to exercise the said Office, by his sufficient Deputy, by him from Time to Time to be appointed, by Writing, under his Hand and Seal, so as such Deputy be approved by the Court of the Mayor, Aldermen, and Common Council, of the said Borough, or the major Part of them.

III. *AND be it further enacted, by the Authority aforesaid,* that the Court of Hustings in the City of *Williamsburg* shall from henceforth have Jurisdiction, and hold Plea of all Actions personal and mixed, and Attachments, whereof any County Court within this Colony by Law have or can take Cognizance; and that the Mayor, Recorder, and Aldermen, of the said City, respectively, shall have, use, and exercise, all the Powers, Jurisdictions, and Authorities, out of Court, which any Justice or Justices of the Peace of a County now have, or can or may use and exercise.

Signed by WILLIAM GOOCH, Esq; Governour.
Sir JOHN RANDOLPH, Speaker.

A. D. 1738.

At a GENERAL ASSEMBLY summoned to be held at the Capitol, in the City of *Williamsburg*, on the 1st Day of *August*, in the 9th Year of the Reign of our Sovereign Lord GEORGE II. by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and from thence continued, by several Prorogations, to the 1st Day of *November*, in the 12th Year of his said Majesty's Reign, and in the Year of our Lord 1738, being the second Session of this present General Assembly.

WILLIAM
GOOCH, Esq;
Governour.

C H A P. I.

An Act for the better Preservation of the Breed of Deer, and preventing unlawful Hunting. (a)

I. **W**HEREAS the Laws heretofore made for preserving the Breed of Deer have not had the desired Effect, many disorderly Persons making a Practice of killing them merely for the Sake of the Skins, whilst they are feeding on the Moss growing on the Rocks in the Rivers, leaving the Flesh to rot, whereby Wolves and other noxious Beasts are brought down among the Stocks of Cattle, Hogs, and Sheep, of the upper Inhabitants, to their great Annoyance and Damage; and whereas the keeping of Hounds going at large is found destructive to the Breed of Deer, by killing not only the Does, while they are big with young, but also the Fawns, after they are fallen; and it is also found, by Experience, that the making large Circles, and setting the same on Fire, round the Coverts where the Deer usually lodge, commonly called Fire hunting, is not only destructive to the Breed of Deer but also to the young Timber and Food of the Cattle: For Remedy of which Mischiefs,

Preamble.

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that from and after the passing of this Act it shall not be lawful for any Person whatsoever to hunt, shoot, or kill, any Buck, between the first Day of *December* and the last Day of *July*, which shall be in any Year; nor to hunt, shoot, or kill, any Doe, or Fawn, between the first Day of *January* and the last Day of *September*, in any Year. And if any Person whatsoever shall presume to hunt, shoot, or kill or destroy, any such Bucks, Doe, or Fawn, running wild in the Woods, within the Times herein before respectively limited, or shall buy or receive the same of any *Indian*, or other Person, every such Person so offending shall forfeit and pay the Sum of twenty Shillings current Money for every Buck, Doe, or Fawn, so killed, bought, or received, recoverable before any Justice of the Peace in the County where such Offence shall be committed, upon Conviction, by the Oath of one sufficient Witness, or on Confession of the Party. And if

Time limited
for killing
Deer.

(a) See 1 Geo. 3. (1761) Cap. 8.

A. D. 1738.

any Servant or Slave, by Command of his or her Master, Mistress, or Overseer, shall so hunt, shoot or kill, or buy or receive any Deer so killed, the Party giving such Command shall be liable to the like Penalties respectively; and if such Servant or Slave cannot prove such Command, he or they shall receive, by Order of such Justice of the Peace, for every such Offence, twenty Lashes on his bare Back, well laid on, unless Security be given for Payment of the Fine within six Months after such Conviction.

Provifo.

III. *PROVIDED* always, that it shall and may be lawful to and for any Freeholder or Housekeeper to kill any Kind of Deer in his Corn Fields, or other enclosed Grounds, where Wheat, Pease, or other Grain, is growing, without being liable to any Penalty for so doing.

May be killed for necessary Food.

IV. *PROVIDED* also, that nothing in this Act contained shall extend, or be construed to extend, to any Person living or being upon the Frontiers of this Colony who shall kill any Deer for Food, for the necessary Subsistence of himself or Family, so as such Person do not sell or dispose of the Skin of any Deer so killed; and in Case any Person shall be prosecuted for killing Deer within the Time prohibited by this Act, and such Person shall allege that he killed such Deer for Food, for the necessary Subsistence of himself or Family, the *onus probandi* shall lie on the Person so prosecuted.

Penalty on buying red Skins.

V. *AND* be it further enacted, by the Authority aforesaid, that if any Person whatsoever shall buy or receive into his or her House any Deer Skin, or Skins, which shall have been killed within the Time herein before limited, and are commonly called or known by the Name of red Skins, he or she so offending, and being thereof lawfully convicted before a Justice of the Peace, in Manner aforesaid, shall forfeit and pay ten Shillings current Money for every Skin so bought or received. And for the further preventing the buying and receiving such red Skins,

Constables may search for them.

VI. *BE* it enacted, by the Authority aforesaid, that every Constable within this Dominion shall have full Power and Authority, by Virtue of this Act, to search in all suspected Places for such red Skins of any Deer killed contrary to the Directions hereof, and to bring the same before some Justice of the Peace of the County where the Offender resides; and if such Offender shall not make Proof that such Skin was taken from a Deer killed within his or her enclosed Grounds, tended as aforesaid, such Justice shall immediately give Judgment against the Offender for the Penalty aforesaid.

Hounds not to run at large.

VII. *AND* be it further enacted, by the Authority aforesaid, that it shall not be lawful for any Person to keep any Beagles or Hounds running at large, but such Beagles or Hounds shall be constantly kept in Kennels, or in Couples, or with Clogs, except at such Times as they are used in hunting by the Owner, or his Servants, under the Penalty of five Shillings for every Beagle or Hound so going at large.

Penalty for Fire hunting.

VIII. *AND* be it further enacted, by the Authority aforesaid, that whosoever shall hereafter use any Fire hunting, or the killing of any Deer by such Means, on any patented Land, every Person present at such Fire hunting shall forfeit and pay twenty Shillings for every such Offence; and if any *Indian* be found Fire hunting as aforesaid, it shall and may be lawful for the Owner of such Land, or his or her Overseer, to take away the Gun of such *Indian*, and the same to keep to his own Use.

No Person to hunt on another's Land.

IX. *AND* be it further enacted, by the Authority aforesaid, that if any Person shall presume to hunt or range on the patented Lands of any other Freeholder, without the Leave of the Owner of such Lands, every such Offender shall

forfeit and pay the Sum of twenty Shillings for every such Offence, all which Penalties herein before mentioned shall and may be recovered before any Justice of the Peace in the County where any of the Offences aforesaid shall be committed, and shall be divided, one Half to and for the Use of the Parish where the Offender shall reside, and the other Half to the Person or Persons who will inform for the same; and every Justice of the Peace before whom Information shall be made of any the Offences aforesaid shall take for Evidence the Confession of the Party accused, or the Oath of one credible Witness: And where the Owner of any Land shall prosecute for any unlawful hunting and ranging on his Lands, the Oath of such Owner shall be sufficient Evidence to convict the Offender; but, in that Case, the whole Penalty shall go to the Parish.

A. D. 1738.

X. *AND be it further enacted, by the Authority aforesaid, that every* County Court within this Dominion shall yearly, in the Month of *January*, or the next succeeding Court, administer to every Constable within their respective Counties an Oath well and truly to present to the next Justice of the Peace all Offences against this Act; and every Justice to whom such Presentment or Information shall be made shall immediately issue his Warrant for the bringing before him such Offender, and to give Judgment, and award Execution against the Goods and Chattels of such Offender, for the Penalties herein before inflicted, respectively.

Constables to be sworn to present.

XI. *AND be it further enacted, that one Act made at a Session of Assembly held at the Capitol the twenty second Day of August, one Thousand seven Hundred and thirty four, intituled An Act for lessening the Penalties for killing Deer at unseasonable Times, and for the better Recovery thereof, and all and every other Act and Acts heretofore made, so far as the same relate to any Matter or Thing within the Purview of this Act, be and are hereby repealed and made void.*

Repealing Clause.

CHAP. II.

An Act for the Relief of those Persons who were Sufferers in the Loss of the Records of the County of Nansemond, whose Cases have not been already provided for. (a)

I. **W**HEREAS it was enacted, by one Clause of the Act made at the last Session of the General Assembly, *for the Relief of certain Persons who were Sufferers in the Loss of the Records of the County of Nansemond*, that to the End other Persons, who had not then been able to produce Witnesses before the Commissioners appointed by a Commission issued under the Great Seal of the Colony, pursuant to the Act of Assembly made in the eighth Year of his Majesty's Reign, intituled *An Act for the Relief of such Persons as have suffered, or may suffer, by the Loss of the Records of Nansemond County, lately consumed by Fire*, in Relation to their Deeds and other Evidences, which may have been lost among the Records of the said County, one other or more Commissions should and might be issued and continued, by the Governour or Commander in Chief of this Colony for the Time being, for examining other Witnesses, and perpetuating the Testimony thereof, in Relation to all Deeds, Wills, Inventories, or other Writings, recorded in the said County Court, where the Original has been lost, pursuant to the last mentioned Act of Assembly, to be executed and returned, as in the said Act is directed; and whereas, pursuant thereto, a Commission hath issued, under the Great Seal of the Colony, bearing Date at *Williamsburg* the

(a) See 8 Geo. 2. (1734) Cap. 4. with the Notes subjoined.

A. D. 1738. twenty seventh Day of *October*, in the tenth Year of his said Majesty's Reign, to *William Wright*, and eleven others, directed, who have made a Return of their Proceedings in the Premises, whereby it doth appear that they have examined divers Witnesses to sundry Deeds and other Matters, and that the several Deeds and other Matters, mentioned in a Schedule to this Act annexed, have been well and sufficiently proved: Therefore, for making the same more effectual,

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that from henceforth the Proofs of the several Possessions, Purchases, Deeds, and Wills, in the said Schedule mentioned, shall and may be given in Evidence in any Court of Law or Equity, and shall avail for the Benefit and Advantage of all Persons claiming under them as much as the same can or ought to avail. And to the End that those Persons who have not yet been able to produce Witnesses before the said Commissioners, in Relation to their Deeds and other Evidences, which have been lost among the Records of the said County, may be relieved,

III. *BE it further enacted, by the Authority aforesaid,* that one other or more Commissions shall and may be issued and continued by the Governour and Commander in Chief of this Colony for the Time being, for examining other Witnesses, and perpetuating the Testimony thereof, in Relation to all Deeds, Wills, Inventories, or other Writings, recorded in the said County Court, where the Original has been lost, pursuant to the Act of Assembly made in the eighth Year of his Majesty's Reign, to be executed and returned as in the said Act is directed.

A SCHEDULE, containing the Proofs of several Deeds, and other Matters, made before certain Commissioners, by Virtue of a Commission, under the Seal of the Colony of *Virginia*, bearing Date the twenty seventh Day of *October*, in the tenth Year of his Majesty's Reign, pursuant to an Act of Assembly in that Case made and provided.

Anno 1675. *William Cadawgon*, by Deed proved and recorded in *Nansemond* County Court, sold and conveyed unto *John Brothers* the elder a Parcel of Land on the south Side of the western Branch of *Nansemond* River, containing one Hundred Acres, or thereabouts; and the said *John Brothers*, by his last Will and Testament, which was likewise proved and recorded in the said County Court, some Time in the Year 1692 gave the said Land to his Son *John Brothers*, and his Heirs, for ever: And the said *John Brothers* the Son dying without Will, leaving three Children, who all died under the Age of twenty one Years, the said Land descended and came to *Richard Brothers*, Grandson and Heir at Law to the said *John Brothers* the elder, who entered, and is now in peaceable Possession thereof.

1711. *John Cotten* sued out a Patent for a Parcel of Land on the south Side of *Cedar* Swamp, in the County of *Nansemond*, and by Assignment on the Back of the said Patent, which was recorded in the Court of the said County of *Nansemond*, made over the said Land to *David Lewis*, deceased; and *David Lewis*, Son and Heir to the said *David*, is now in Possession thereof.

1718. *Robert Hooks*, by Deed of Gift, acknowledged and recorded in the Court of the County of *Nansemond*, gave unto his Brother *John Hooks*, during his natural Life, and after his Decease unto his Son *John Hooks*, the present Possessor thereof, a Parcel of Land, which he had formerly purchased of one *Thomas Altman*, lying on the *Cypress* Swamp, near the Mouth of *Summerton* Creek, then in the County of *Nansemond*, but now in the Province of *North Carolina*.

1726. *William Robinson*, by Indenture of Bargain and Sale, conveyed to *John Thomas*, who is now in Possession thereof, one Hundred Acres of Land, more or

less, being the Moiety of two Hundred Acres of Land granted to *Jonathan Robinson*, by Patent, some Time in the Year of our Lord 1703, which Land then lay in the upper Parish of the County of *Nansemond*, but now in the Province of *North Carolina*. A. D. 1736.

Sarah Meredith, Widow and Executrix of *John Meredith*, late of *Elizabeth City* County, deceased, by Deed, acknowledged and recorded in the Court of the County of *Nansemond*, conveyed unto *Joseph Meredith* one Hundred and ten Acres of Land, being Part of four Hundred and forty Acres of Land, formerly granted, by Patent, to *Sampson Meredith*, lying on the *Back Swamp*, at *Summerton*, in the said County of *Nansemond*; and some Time in the Year 1732 the said *Joseph Meredith*, by his Deed, acknowledged and recorded in the said Court, sold and conveyed the said Land to *Henry Copeland*, who is now in Possession thereof. 1725.

William Bridger, by Deeds of Lease and Release, proved and recorded in the Court of the County of *Nansemond*, conveyed unto *Thomas Davis* a Piece of Land, containing three Hundred Acres, more or less, lying in the upper Parish of *Nansemond* County, on the south Side of the *Poplar Swamp*. 1730.

Isaac Carnal, and *Catharine* his Wife, by Deed of Bargain and Sale, proved and recorded in the Court of the County of *Nansemond*, sold and conveyed unto *Abraham Carnal*, Jun. two Hundred Acres of Land, more or less, lying on *Jaringan Bridge Run*, in the upper Parish of *Nansemond* County, which Land formerly belonged to *Abraham Edwards*, Father of the said *Catharine*, and by him given to his said Daughter; and the said *Abraham Carnal* is now, and hath from the Time of the said Conveyance been, in peaceable Possession thereof. 1732.

John Moore, by Deed of Bargain and Sale, recorded in the Court of the County of *Nansemond*, conveyed to his Brother *William Moore*, who is now in Possession thereof, a Plantation and Parcel of Land thereto belonging, containing one Hundred and ten Acres, or thereabouts, lying in the Fork of the southern Branch of *Nansemond* River, in the upper Parish of the said County, being the Plantation that formerly belonged to *John Moore*, Father of the said *John* and *William*, and by his last Will and Testament given and devised to his said Son *John*. 1732.

C H A P. III.

An Act to prevent the Inhabitants of the Borough of Norfolk from being compelled to serve in the Militia of the County of Norfolk; and to exempt Sailors or Seamen, in actual Pay on Board any Ship or Vessel, from serving in the Militia. (a) Part publick,
Part private.

I. **W**HEREAS the chief Magistrates, and other Inhabitants, of the Borough of *Norfolk*, are now listed, and compelled to serve, under the Command of the Officers of the Militia in the County of *Norfolk*, without the said Borough; and forasmuch as the same may be very inconvenient, and may render the said Borough defenceless in Time of Danger:

II. *BE it therefore enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that no Inhabitant of the said Borough shall hereafter be compellable to make his or their Appearance at any Muster of the Militia out of the said Borough, or the Limits thereof, but all and every such Inhabitant and Inhabitants shall be listed and trained within the said Borough, or the Limits thereof, according to the Laws of this Colony, under the Command of such*

(a) See 10 Geo. 2. (1736) Cap. 6. with the Notes subjoined.

A. D. 1738. Person or Persons as shall be appointed for that Purpose by the Governour, or Commander in Chief of this Colony for the Time being; and such Persons so listed and trained shall be liable to the same Fines, Penalties, and Punishments, for not attending at Musters, or for not doing their Duty at such Musters, as Soldiers listed in the Militia of the County are or shall be subject to.

III. *PROVIDED* always, that such Persons shall not be compelled to go out of the said Borough on any military Service without the express Order of the Governour, or Commander in Chief of the said Colony and Dominion for the Time being; or, in Case of any Invasion or Insurrection, without the express Order of the Lieutenant of the County of *Norfolk*.

By 30 Geo. 2.
(1757) Chap. 1.
Sect. 25, the
Colonel and
other Officers of
the Borough of
Norfolk to hold
Courts Martial.

IV. *AND* be it enacted, by the Authority aforesaid, that the Mayor, Recorder, and Aldermen, of the said Borough, or the major Part of them, in their Court of Hustings, to be held yearly in *October*, upon the Complaint of any Officer or Officers appointed to command the Militia within the said Borough, upon sufficient Proof, shall and may give Judgment against any Person or Persons, listed under the Command of such Officer or Officers, for the Fines which such Person or Persons shall be liable to by Means of his or their not appearing, or not doing his or their Duty, at any Muster, or upon any other Service, within the said Borough; which Fines shall and may be levied and appropriated by the said Court, in the same Manner as the Fines, by the Judgment or Sentence of any Court Martial, are, shall, or may be, levied and appropriated.

V. *AND* whereas divers of the Inhabitants of this Colony are employed as Sailors or Seamen on Board Ships and other Vessels, and the compelling them to serve in the Militia, during the Time they are employed in such Service, would be a very great Inconveniency and Prejudice to Trade:

VI. *BE* it therefore further enacted, by the Authority aforesaid, that no Person who shall be employed as a Sailor or Seaman on Board any Ship or Vessel, within this Colony, shall, during the Time he is in actual Pay on Board such Ship or Vessel, be compelled to serve in the Militia, in any County, City, or Borough, where such Person is an Inhabitant; any Thing contained in this, or any former or other Act, to the contrary, in any Wise notwithstanding.

Signed by WILLIAM GOOCH, Esq; Governour.
JOHN ROBINSON, Jun. Speaker.

A. D. 1742.

At a GENERAL ASSEMBLY begun and held at the Capitol, in the City of *Williamsburg*, the 6th Day of *May*, in the 15th Year of the Reign of our Sovereign Lord GEORGE II. by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord 1742, being the first Session of this Assembly.

WILLIAM
GOOCH, Esq;
Governour.

C H A P. I.

An Act for the Relief of those Persons who were Sufferers in the Loss of the Records of the County of Nansemond, whose Cases have not already been provided for. (a)

I. **W**HEREAS it was enacted, by one Clause of the Act made in the twelfth Year of his Majesty's Reign, *for the Relief of certain Persons who were Sufferers in the Loss of the Records of the County of Nansemond*, that, to the End other Persons who had not been able to produce Witnesses, before the Commissioners appointed by a Commission issued under the Great Seal of the Colony, pursuant to the Act of Assembly made in the eighth Year of his Majesty's Reign, intituled *An Act for the Relief of such Persons as have suffered, or may suffer, by the Loss of the Records of Nansemond County, lately consumed by Fire*, in Relation to their Deeds, and other Evidences, which may have been lost among the Records of the said County, one other or more Commissions should and might be issued, and continued, by the Governour and Commander in Chief of this Colony for the Time being, for examining other Witnesses, and perpetuating the Testimony thereof, in Relation to all Deeds, Wills, Inventories, or other Writings, recorded in the said County Court, where the Original has been lost, pursuant to the last mentioned Act of Assembly, to be executed and returned, as in the said Act is directed; and whereas, pursuant thereto, a Commission hath issued, under the Great Seal of the Colony, bearing Date the twenty third Day of *December*, in the twelfth Year of his said Majesty's Reign, to *William Wright*, and seventeen others, directed, who made a Return of the said Commission, but it does not appear that they have taken any Depositions pursuant thereto; and to the End that those Persons who have not yet been able to produce Witnesses before the said Commissioners, in Relation to their Deeds, and other Evidences, which have been lost among the Records of the said County, may be relieved:

II. *BE it therefore enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same*, that one other or more Commissions shall and may be issued, and continued, by the Governour and Commander in Chief of this Colony for the Time being, for examining other Witnesses, and perpetuating the Testimony thereof, in Relation to all Deeds, Wills, Inventories, or other Writings, recorded in the said County Court, where the Original hath been lost, pursuant to the Act of Assembly made in the eighth Year of his Majesty's Reign, to be executed and returned as in the said Act is directed.

(a) See 2 Geo. 2. (1734) Cap. 4.

A. D. 1743.

C H A P. II.

An Act for explaining the Charter granted to the City of Williamsburg, and for enlarging the Jurisdiction of the Court of Hustings within the said City. (a)

I. **W**HEREAS his late Majesty King George I. of blessed Memory, by his Royal Charter, bearing Date, under the Seal of this Colony, the twenty eighth Day of July, in the eighth Year of his Reign, was graciously pleased to grant to the Inhabitants of *Williamsburg* that the same should be a City incorporate, consisting of a Mayor, Recorder, and six Aldermen, and twelve Common Councilmen, and was further pleased (among other Things) to grant to the said Mayor, Recorder, Aldermen, and Common Council, of the said City, and to their Successors, for ever, and to all Freeholders of the said City, owning one whole Lot of Land, with a House built thereon, according to Law, and to all Persons actually residing and inhabiting within the said City, having a visible Estate of fifty Pounds current Money at the least, and to all Persons who should serve five Years to any Trade within the said City, and should, after the Expiration of their Time, be actually Housekeepers and Inhabitants of the said City, full Power and Authority to name, elect, and send, one Citizen qualified as therein is mentioned, to be present, sit, and vote, in the House of Burgesses of this Colony; and was also pleased to grant that the said Mayor, Recorder, and Aldermen, should hold a Court of Hustings, once in every Month, within the said City, the Jurisdiction of which said Court hath been enlarged by two Acts of Assembly made since the granting of the said Charter, but the same is not yet extensive enough for keeping Order and good Government within the said City, and some Doubts and Controversies having lately arisen concerning the Construction of the said Charter, particularly with Respect to the Qualifications of Persons entitled by the said Charter to vote at the Election of a Citizen for the said City: For settling the said Doubts and Controversies, and enlarging the Jurisdiction of the said Court of Hustings,

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, and the true Intent and Meaning of the said Charter is hereby declared to be, that no Person shall vote at the Election of a Citizen for the said City, in Right of any Freehold, unless he has an Estate of Freehold in one whole Lot of Land within the said City; and that there be standing upon the said Lot a House of such Dimensions as is required by Law for saving such Lot, in tenantable Repair, at the Time of giving such Vote. And where two or more are seized of any Estate of Freehold within the said City, as joint Tenants, Tenants in common, or Coparceners, no more than one Vote shall be given or allowed in Right of such Freehold, and that only in Case all the Parties interested can agree, otherwise no Vote shall be allowed to be given for any such Freehold. And that no Person shall be entitled to vote at such Election, as an Inhabitant or Resident within the said City, unless he has actually resided there twelve Months next before the Time of giving his Vote. And that no Person whatsoever being a Servant by Indenture, Covenant, or otherwise, shall be allowed to give any Vote at such Election, in Right or on Account of his being an Inhabitant or Resident within the said City. And that no Person shall be entitled to vote at such Election, in Right or on Account of his having served five Years in the said City, unless he shall have actually served as an Apprentice to some Trade within the said City for the Term of five Years, and shall have obtained a Certificate thereof from the Court of Hustings within the said City, under the*

(a) See 4 Ann. (1705) Cap. 9. with the Notes subjoined.

common Seal of the City, and is also an Inhabitant and Housekeeper within the *A. D. 1741.*
said City at the Time of giving his Vote.

III. *AND be it further enacted*, that every Person claiming a Right to vote as a Freeholder, before he is admitted to poll at the Election of a Citizen for the said City, shall, if required by any Candidate, or other Person entitled to vote at such Election, take the following Oath (or, being one of the People called Quakers, shall declare the Effect of the same upon his Affirmation) that is to say: "You shall swear that you have a sole Estate of Freehold, or Estate of Freehold in joint Tenancy, Tenancy in common, or Copartnery, with

"in one whole Lot of Land, within the City of *Williamsburg*, and that there is a House now standing thereon, of such Dimensions as is required by Law for saving the said Lot, in tenantable Repair; and that the same hath not been granted to you fraudulently, on Purpose to qualify you to give your Vote at this Election." And every Person claiming a Right to vote, as Resident and Inhabitant within the said City, shall, if required, as aforesaid, take the following Oath (or, being a Quaker, declare the Effect of the same upon his Affirmation) that is to say: "You shall swear that you are, and have been for twelve Months last past, a Resident and Inhabitant within the City of *Williamsburg*, and that you have a visible Estate of the Value of fifty Pounds current Money at the least; and that the same, or any Part thereof, hath not been given or conveyed to you fraudulently, on Purpose to qualify you to give your Vote at this Election."

IV. *AND be it further enacted, and declared*, that no Person shall be qualified to be elected one of the Common Councilmen of the said City until he has actually resided there twelve Months at the least, and such Residence shall be deemed a sufficient Qualification, although he be no Freeholder. And that the Writ for electing a Citizen for the said City shall be directed to the Mayor of the said City for the Time being, as has been used heretofore; and the said Mayor is hereby declared to be the returning Officer. And that the Recorder of the said City for the Time being shall, in his Absence from the said City, have full Power and Authority to exercise the said Office, by his sufficient Deputy to be appointed by him, in Writing under his Hand and Seal, so as such Deputy be approved by the Court of the Mayor, Aldermen, and Common Councilmen, of the said City, or the major Part of them.

V. *AND be it further enacted*, that the Court of Hustings within the said City shall from henceforth have the sole Power of granting Licenses to Ordinary Keepers within the said City; and that the Courts of the Counties of *York* and *James City* shall not exercise any Jurisdiction in that Matter, as hath been formerly done.

VI. *PROVIDED always*, that such Licenses be granted in the Manner directed by one Act of Assembly made in the fourth Year of the Reign of her late Majesty Queen *Anne*, intituled *An Act for regulating Ordinaries, and Restraint of tippling Houses*; and the Justices of the said Court of Hustings shall have the same Powers and Authorities, both as to granting Licenses and regulating and suppressing Ordinaries, as the Justices of any County Court within this Colony have or may exercise by Virtue of the same, or any other, Act of Assembly.

Signed by WILLIAM GOOCH, Esq; Governour.
JOHN ROBINSON, Jun. Speaker.

A. D. 1744.

WILLIAM
GOOCH, Esq;
Governour.

At a GENERAL ASSEMBLY summoned to be held at the Capitol, in the City of *Williamsburg*, on *Thursday* the 6th Day of *May*, in the 15th Year of the Reign of our Sovereign Lord GEORGE II. by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and from thence continued, by several Prorogations, to *Tuesday* the 4th Day of *September*, in the 18th Year of his said Majesty's Reign, and in the Year of our Lord 1744, being the second Session of this Assembly.

C H A P. I.

An Act for the Relief of certain Creditors.

Preamble.
His Majesty
gave his Assent
to this Act
March 20,
1745.

I. **W**HEREAS great Difficulties have arisen in the Recovery of Debts due to the Inhabitants of this Colony from Persons residing in other Parts of his Majesty's Dominions, or who have removed themselves into foreign Parts, having Effects here sufficient for the satisfying and paying such Debts: For Remedy whereof,

Persons not
entering Ap-
pearance with-
in the usual
Time, after
Subpoena,

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that if in any Suit which hath been, or hereafter shall be commenced, for Relief in Equity, in the General Court of this Colony, any Defendant or Defendants, against whom any Subpoena or other Process shall issue, shall not cause his, her, or their Appearance to be entered upon such Process, within such Time, and in such Manner as, according to the Rules of the Court, the same ought to have been entered, in Case such Process had been duly served; and an Affidavit or Affidavits shall be made, to the Satisfaction of such Court, that such Defendant or Defendants is or are beyond the Seas, or that, upon Inquiry at his, her, or their usual Place of Abode, he, she, or they, could not be found, so as to be served with such Process: Then, and in such Cases, the said Court may not only make any Order or Orders to restrain and enjoin any Person or Persons in this Colony, having any Effects belonging to the Defendant or Defendants in their Hands, or in any other Manner Debtors to the Defendant or Defendants, from paying, conveying away, or secreting, such Debts or Effects, until the further Order or Decree of the said Court, but also may (if to the same Court it shall seem necessary) order such Effects to be delivered to the Plaintiff or Plaintiffs subject to the future Order and Decree of the said Court, upon such Plaintiff or Plaintiffs giving such Security as to the said Court shall seem proper, for the Return of the said Effects, in such Manner, and to such Persons, as the said Court shall adjudge; and the said Court also shall and may make an Order directing and appointing such Defendant or Defendants to appear, at a certain Day therein to be named, of the next succeeding Court; and a Copy of such Order shall,

and abscond-
ing, to avoid
Process, Court
may enjoin their
Effects in other
Persons Hands,
and order them
to be delivered
to the Plaintiff,
on his giving
Security.

And may fix
a Day for De-
fendants Ap-
pearance, to be

within fifteen Days after such Order made, be inserted in the *Virginia Gazette*, for two Months successively, and published on some Lord's Day, immediately after divine Service, in such Parish Church or Churches as the said Court shall appoint and direct; and also, in every Case, a Copy of such Order shall, within the Time aforesaid, be posted up at the front Door of the Capitol, in the City of *Williamsburg*. And if the Defendant or Defendants do not appear within the Time limited by such Order, or within such further Time as the Court shall appoint, then, on Proof made of such Publication of such Order as aforesaid, the Court, being satisfied of the Truth thereof, may order the Facts of the Plaintiff's Bill to be taken *pro confesso*; but if the Matter or Cause of such Suit or Suits be for the Adjustment and Settlement of any Account or Accounts, and for Satisfaction of what Balances may appear due thereon, then, and in such Cases, the Court may, either by assigning and Appointment of Auditors, or in any other Manner, proceed to the stating and Settlement of such Account or Accounts, and make such Order and Decree thereupon as shall be thought just, and may thereupon issue Process to compel the Performance of such Decree, either by immediate Sequestration of the real and personal Estate and Effects of the Defendant or Defendants (if any such can be found) or such Part thereof as may be sufficient to satisfy the Demand of the Plaintiff or Plaintiffs in the said Suit, or by causing Possession of the Estate or Effects demanded by the Bill to be delivered to the Plaintiff or Plaintiffs, or by continuing the Effects (if any) so ordered to be delivered on the Return of the Subpœna as aforesaid, or such Part thereof as may be sufficient to satisfy the Plaintiff or Plaintiffs Demands and Costs of Suit, in the Hands of the Plaintiff or Plaintiffs, or give such further Relief or Remedy as the Nature of the Case shall require. And the said Court may likewise order such Plaintiff or Plaintiffs to be paid and satisfied his, her, or their Demands, out of the Estate or Effects so sequestered, according to the true Intent and Meaning of such Decree, such Plaintiff or Plaintiffs first giving sufficient Security, in such Sum as the Court shall think proper, to abide such Order, touching the Restitution of such Estate or Effects as the Court shall think proper to make concerning the same, upon the Defendant or Defendants Appearance to defend such Suit, and paying such Costs to the Plaintiff or Plaintiffs as the Court shall order; but in Case such Plaintiff or Plaintiffs shall refuse or neglect to give such Security as aforesaid, then the said Court shall order the Estate or Effects so sequestered, or whereof Possession shall be decreed to be delivered, to remain under the Direction of the Court, either by appointing a Receiver thereof or otherwise; as to such Court shall seem meet, until the Appearance of the Defendant or Defendants to defend such Suit, and his, her, or their paying such Costs, to the Plaintiff or Plaintiffs, as the said Court shall think reasonable, or until such Order shall be made therein as the Court shall think just.

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inserted in the *Virginia Gazette*, published in a Parish Church, and posted at the front Door of the Capitol. Defendant not appearing, the Plaintiffs Bill to be taken *pro confesso*, or Auditors to be appointed to settle Accounts.

Defendants Estate to be sequestered,

and Plaintiff satisfied,

on giving Security to defend Suit on Defendants Appearance.

Plaintiff refusing to give such Security, the Effects sequestered to remain under the Court's Direction.

III. *AND it is hereby further enacted, by the Authority aforesaid, that* from and after the passing of this Act if any Defendant or Defendants, by Virtue of any Writ of *Habeas Corpus*, or other Process issuing out of the said Court, shall be brought into Court, and shall refuse or neglect to enter his, her, or their Appearance, according to the Rules and Methods required by the said Court, or to appoint an Attorney of such Court to act on his, her, or their Behalf, respectively, such Court may appoint an Attorney of such Court to enter an Appearance for such Defendant or Defendants, respectively, and such Proceedings may thereupon be had in the Cause as if the Party had actually appeared.

Defendants brought into Court by *Habeas Corpus*, or other Process, and refusing to enter Appearance, Court to enter in for them.

IV. *PROVIDED always, that if the Person against whom any Decree* shall be made, upon Refusal or Neglect to enter his, her, or their Appearance, or appoint an Attorney to act on his, her, or their Behalf, shall be in Custody, or forthcoming, so that he, she, or they, may be served with a Copy of such Decree, then he, she, or they, shall be served with a Copy thereof, before any Process shall be taken out to compel the Performance thereof.

Persons in Custody so refusing to be served with a Copy of the Decree.

A. D. 1744.

Persons out of the Colony affected by such Decree, if they return within seven Years, to be served with a Copy, or in Case of his Death, his Heir, &c.

V. *PROVIDED* also, that if any Decree shall be made, in Pursuance of this Act, against any Person or Persons, being out of this Colony, or absconding as aforesaid, at the Time such Decree is pronounced, and such Person or Persons shall, within seven Years after the making such Decree, return, or become publickly visible, then, and in such Case, he, she, or they, shall likewise be served with a Copy of such Decree, within a reasonable Time after his, her, or their Return, or publick Appearance, shall be known to the Plaintiff or Plaintiffs; and in Case any Defendant, against whom such Decree shall be made, shall, within seven Years after the making such Decree, happen to die before his or her Return into this Colony, or appearing openly, as aforesaid, or shall, within the Time last before mentioned, die in Custody before his or her being served with a Copy of such Decree, then his or her Heir, if such Defendant shall have any real Estate sequestered, or whereof Possession shall have been delivered to the Plaintiff or Plaintiffs, and such Heir may be found, or if such Heir shall be a *Feme Covert*, Infant, or *non compos mentis*, the Husband, Guardian, or Committee, of such Heir, respectively, or if the personal Estate of such Defendant be sequestered, or Possession thereof delivered to the Plaintiff or Plaintiffs, then his or her Executor, or Administrator (if any such there be) may and shall be served with a Copy of such Decree, within a reasonable Time after it shall be known to the Plaintiff or Plaintiffs that the Defendant is dead, and who is his or her Heir, Executor, or Administrator, or where he, she, or they, respectively, may be served therewith.

If Persons served with such Copy shall not petition a Re-hearing of the Cause in 12 Months, the Decree to be absolutely confirmed.

VI. *PROVIDED* always, that if any Person or Persons, so served with a Copy of such Decree, shall not, within twelve Months after such Service, appear, and petition to have the said Cause reheard, such Decree so made as aforesaid shall stand absolutely confirmed against the Person and Persons so served with a Copy thereof, his, her, and their respective Heirs, Executors, and Administrators, and all Persons claiming by, from, or under him, her, them, or any of them, by Virtue of any Act done or to be done subsequent to the Commencement of such Suit.

Defendants petitioning a Re-hearing within 7 Years, and paying or giving Security for Costs, admitted to answer, and the Cause to be heard again.

VII. *PROVIDED* nevertheless, that if any Person so served with a Copy of such Decree shall, within twelve Months after such Service, or if any Person not being so served shall, within seven Years next after the making such Decree, appear in Court, and petition to be heard with Respect to the Matter of such Decree, and shall pay down, or give Security for Payment of, such Costs, as the Court shall think reasonable in that Behalf, the Person or Persons so petitioning, his, her, or their respective Representatives, or any Person or Persons claiming under him, her, or them, respectively, by Virtue of any Act done before the Commencement of the Suit, may be admitted to answer the Bill exhibited, and Issue may be joined, and Witnesses on both Sides examined; and such other Proceedings, Decree, and Execution, may be had thereon as there might have been in Case the said Party had originally appeared, and the Proceedings had then been newly begun, or as if no former Decree or Proceedings had been in the same Cause.

Not appearing within 7 Years, and making such Petition, to be absolutely barred.

VIII. *PROVIDED* nevertheless, and be it enacted, by the Authority aforesaid, that if any Person or Persons against whom such Decree shall be made, his, her, or their Heirs, Executors, or Administrators, shall not, within seven Years next after the making of such Decree, appear and petition to have the Cause reheard, and pay down, or give Security for Payment of, such Costs, as the Court shall think reasonable in that Behalf, such Decree made as aforesaid shall stand absolutely confirmed against the Person and Persons against whom such Decree shall be made, his, her, and their Heirs, Executors, and Administrators, and against all Persons claiming, or to claim, by, from, or under him, her, them, or any of them, by Virtue of any Act done or to be done subsequent

to the Commencement of such Suit; and at the End of such seven Years it shall and may be lawful for the Court to make such further Order as shall be just and reasonable, according to the Circumstances of the Cause.

A. D. 1744.

C H A P. II.

An Act to explain and amend an Act intituled An Act for the effectual Suppression of Vice, and Restraint and Punishment of wicked, blasphemous, and dissolute Persons. (a)

I. **W**HEREAS the Act of Assembly made in the fourth Year of the Reign of her late Majesty Queen Anne, intituled *An Act for the effectual Suppression of Vice, and Restraint and Punishment of wicked, blasphemous, and dissolute Persons*, hath been found insufficient to restrain and discourage Wickedness and Vice, and different Opinions have also prevailed touching the Meaning thereof: Therefore, for the better explaining and amending the same,

Preamble;

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same*, that from and after the passing of this Act if any Person or Persons shall profanely curse or swear, he, she, or they, so offending, being thereof convicted, in the Manner as in the said recited Act is directed, shall, for every respective Oath or Curse by him or her so sworn and uttered, forfeit and pay the Sum of five Shillings, or fifty Pounds of Tobacco; and if any Person or Persons so convicted shall refuse to make present Payment of such Forfeiture or Forfeitures, or give sufficient Security for the Payment thereof at the laying of the next Parish Levy, after such Conviction, that then the same shall be levied on the Goods and Chattels of such Offender or Offenders, by Execution, under the Hand of the Justice of the Peace before whom such Conviction shall be directed, to the Sheriff or Constable, to be executed in like Manner as other Executions and Distresses are levied: And if no Goods and Chattels of such Offender or Offenders can be found, whereon to levy the said Sum or Sums, then he, she, or they, shall have and receive ten Lashes upon his, her, or their bare Back, well laid on, for every such Forfeiture.

Persons profanely swearing or cursing to forfeit 5s. or 50 lb. Tobacco, for every Oath, or Curse.

How to be levied.

If no Goods to be found, Offender to be whipped.

III. *PROVIDED* always, that no Justice of the Peace shall give Judgment for more than four Oaths or Curses sworn or uttered at any one Time, or issue Execution against any Offender for more than twenty Shillings, or two Hundred Pounds of Tobacco, upon any one Conviction, and also that no Offender or Offenders shall receive more than twenty Lashes upon such Conviction.

Proviso.

IV. *AND be it further enacted*, that when any Person shall hereafter be presented by the Grand Jury, or prosecuted by the Church-Wardens, or otherwise, for wilfully absenting him or herself from divine Service, at his or her Parish Church or Chapel, the Space of one Month, if such Person shall make it appear, by the Oath of one or more credible Witness or Witnesses, that he or she so presented or prosecuted hath been at divine Service at any other Church or Chapel than his or her own Parish Church or Chapel, within the Space for which he or she shall be so presented for being absent, that then such Presentment or Prosecution shall be dismissed, and the Party prosecuted discharged from the Forfeiture in the said Act mentioned. And forasmuch as many Doubts have arisen touching the Offences and Matters to be presented by Grand Juries, for settling whereof for the future,

Persons prosecuted for not going to their Parish Churches to be excused if present at divine Service at other Churches.

(a) See Act 4 Ann. (1705) Cap. 6. with the Notes.

A. D. 1744.

Grand Juries
to present Of-
fences against
penal Laws
only within 12
Months, and
no longer.

V. *BE it further enacted, by the Authority aforesaid, that the Grand Juries hereafter shall, and they are hereby required to make Presentment of all such Offences and Breaches of penal Laws only as shall be committed within the Space of twelve Months before the Time of such Presentment, unless the same be otherwise directed by Law, and no longer.*

Repealing
Clause.

VI. *AND be it further enacted, that so much of the said recited Act of Assembly as relates to any Matter or Thing within the Purview of this Act shall be, and the same is hereby repealed and made void.*

CHAP. III.

An Act for amending an Act intituled An Act for laying an Imposition upon Skins and Furs, for the better Support of the College of William and Mary in Virginia. (a)

Preamble.

I. **W**HEREAS by an Act of Assembly made in the fourth Year of the Reign of Queen Anne, intituled *An Act for laying an Imposition upon Skins and Furs, for the better Support of the College of William and Mary in Virginia*, a Duty of threepence upon every raw Hide, and sixpence upon every tanned Hide, exported or carried out of this Colony by Land or Water, was laid, and appropriated to the Use of the said College, which was confirmed by another Act passed in the eighth Year of his present Majesty's Reign, intituled *An Act for the better Support and Encouragement of the College of William and Mary in Virginia*; and whereas the Revenue arising by the said Duty upon Hides has, by Experience, been found insufficient to answer the Purposes for which the same was laid, and disproportionate to the real Value of such Hides:

Duty of 2 s.
6 d. for every
raw Hide, and
5 s. for every
tanned Hide,
exported, to be
paid by the Ow-
ner or Exporter.

II. *BE it therefore enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that from and after the passing of this Act one other Duty or Custom of two Shillings and Sixpence for every raw Hide, and five Shillings for every tanned Hide, exported or carried out of this Colony, by Water or by Land, to any Port or Place whatsoever, shall be paid by the Owner or Exporter thereof; to be entered, collected, paid, and accounted for, in the same Manner, and under the same Penalties, and appropriated to the same Uses, as the Duties upon Skins and Furs are, by the said recited Acts, directed to be collected, entered, paid, accounted for, and appropriated.*

CHAP. IV.

An Act to enable the Common Hall of the City of Williamsburg to assess a Tax on the Inhabitants of the said City, for building a Prison, and for other Purposes therein mentioned. (b)

I. **W**HEREAS the Mayor, Recorder, Aldermen, and Common Council, of the City of Williamsburg, have represented to this General Assembly, that there is no Prison belonging to their Corporation for the Commitment of Debtors, Criminals, and Offenders, but that the Prison of James City County, standing within the Limits of the said City, hath hitherto been used for that

(a) See 4 Ann. (1705) Cap. 5. with Notes subjoined.

(b) 4 Ann. (1705) Cap. 9. with the Notes.

Purpose, on Sufferance, which is attended with Inconvenience both to the said County and City, and that they are desirous a Prison should be built for the Use of the said City, at the Charge of the Inhabitants of the Corporation, but it is a Doubt whether they have Power, by their Charter, to assess a Tax on the said Inhabitants for that Use, or for any other needful Occasion of the City, when their Chamber is deficient: A. D. 1744.

II. *BE it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that it shall and may be lawful for the Mayor, Recorder, Aldermen, and Common Council, of the said City of Williamsburg, for the Time being, in Common Hall assembled, to levy and assess, by the Poll, on the tithable Persons inhabiting within the said City, all such Sum and Sums of Money as shall be necessary for erecting a Prison for the Use of the said City, if their Chamber be deficient, and also to appoint a Collector of the same; and if any Person or Persons shall refuse or neglect to satisfy and pay the Money so on him, her, or them, levied and assessed, according to the Times appointed for the Payment thereof, it shall and may be lawful to and for such Collector, by Warrant from under the Hand of any Magistrate of the said City, to levy the Money so due by Distress and Sale of the Delinquent's Goods, in the same Manner as for Non-Payment of publick and County Levies in this Colony.*

III. *AND be it further enacted, by the Authority aforesaid, that the Justices of the County of James City, and the Justices of the County of York, for the Time being, shall, and they are hereby required, at the Time of laying the Levies for their respective Counties, in every Year, to levy for the Sergeant and Constables of the said City, for the Time being, so much Tobacco as shall hereafter become due to them for all such Services done, and Prison Fees arising, within the said City, not already by Law directed to be paid, as would properly be chargeable on the said Counties, respectively, by the Sheriffs and Constables thereof, in Case the said City had not been incorporated.*

Signed by WILLIAM GOOCH, Esq; Governour.
JOHN ROBINSON, Jun. Speaker.

A. D. 1745.

WILLIAM
GOOCH, Esq;
Governour.

At a GENERAL ASSEMBLY summoned to be held at the Capitol, in the City of *Williamsburg*, on *Thursday* the 6th Day of *May*, in the 15th Year of the Reign of our Sovereign Lord GEORGE II. by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and from thence continued, by several Prorogations, to *Thursday* the 20th Day of *February*, in the 19th Year of his said Majesty's Reign, and in the Year of our Lord 1745, being the third Session of this Assembly.

C H A P. I.

An Act for the better regulating and collecting certain Officers Fees, and other Purposes therein mentioned. (a)

I. **B**E it enacted, by the Lieutenant Governour, Council, and Burgessees, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that from and after the Commencement of this Act it shall and may be lawful to and for the Secretary of this Colony for the Time being, and all County Court Clerks, Sheriffs, Coroners, Constables, and Surveyors, respectively, to demand, receive, and take, the several Fees herein after mentioned and allowed, for any Business by them respectively done, by Virtue of their several Offices, and no other Fees whatsoever, that is to say:

To the Secretary.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
Secretary's Fees. For making out, sealing, and recording, at large, a Patent for Land, before the same shall be recorded,	0	8	0
For making out, sealing, and recording, at large, a Patent commonly called a double Patent, before the same shall be recorded,	0	12	0
For Parchment for every Patent,	0	2	6
For recording every Warrant to an Escheat, and the Inquisition thereupon,	0	11	6
For a Copy thereof, the same.			
For every Pass,	0	10	0
For every Freedom for a Ship or Vessel,	0	10	0

(a) See 27 Geo. 2. (1753) Cap. 3. Fees in *Halifax* and *Bedford* to be discharged at 12 s. 6 d.

32 Geo. 2. (1759) Cap. 5. Inhabitants of *Loudoun* to pay at 12 s. 6 d.

1 Geo. 3. (1761) Cap. 1. Fees settled at 2 d. per lb. except in *Frederick, Augusta, and Hampshire*, where they are rated at 8 s. 4 d. per Cent.

7 Geo. 3. (1766) The Act for dividing the County of *Halifax*, and for other Purposes, settles the Fees in *Pittsylvania* at 12 s. 6 d.

For every Testimonial,	0 10 0	A. D. 1745.
For every Writ in the Nature of an <i>Ad quod Damnum</i> (to be paid upon issuing such Writ)	0 5 0	
For recording the same, with the Inquisition thereupon (to be paid before Inquisition be recorded)	0 11 6	
For a Copy of such Writ, and Inquisition (to be paid down)	0 5 0	
	Pounds of Tobacco.	
For taking a Bond upon issuing Injunctions in Chancery,	25	
For a Copy of a double Patent,	40	
For a Copy of any other Patent,	30	
For the Probation of any Testament, and recording the same, for entering the Orders for appraising the Estate, recording the Inventory, writing and sealing the Probate, or any other Matters concerning the same, or for a Commission of Administration of the Goods of any Person dying intestate, for entering the Order or Orders for appraising the Estate, recording the Inventory, or for any other Matter concerning the same, where the Appraisement doth not amount to above one Hundred Pounds,	200	
Or where the Appraisement exceeds one Hundred, and is under five Hundred Pounds,	300	
Or where the Appraisement exceeds five Hundred Pounds, or there is no Appraisement,	400	
For a Copy of a Probate, or Commission of Administration,	40	
For recording the Certificate of a Probate, or Administration,	40	
For a Copy of a Will, or Inventory,	40	
And if the Original is contained in more Sheets than one, for a Copy of every such Sheet,	30	
For every Hue and Cry signed by the Governour,	30	
For a Copy of an Act of Assembly,	40	
For a Copy of an Account,	20	
For recording of a Deed or Deeds for the conveying or settling any Lands or Tenements only, or together with Slaves or personal Estate, or any Way concerning the same, acknowledged or proved in the General Court,	150	
For a Copy of such Deed or Deeds, with the Endorsements thereon, and for a Certificate of the Acknowledgment or Proof, and recording,	90	
For issuing a Commission to take the Acknowledgment and privy Examination of a <i>Feme Covert</i> , and recording it, with the Return of the Commissioners,	50	
For a Copy thereof,	30	
For recording a Deed concerning Slaves, or any personal Matter only,	70	
For a Copy thereof, with a Certificate of the Acknowledgment, or Proof, and recording,	40	
For recording a Letter of Attorney, acknowledged and proved in the General Court, and every Thing relating to it,	70	
For a Copy thereof,	40	
For recording a Bond, with Condition, other than for Performance of Covenants in Deeds of Conveyance, or Settlement of Land,	40	
For a Copy of a Bond, with Condition,	20	
For recording a Certificate of Rights,	15	

In Actions, and other Suits.

For every <i>Dedimus Protestatem</i> , Writ of Errour, <i>Superfedeas</i> , or <i>Scire Facias</i> ,	25
For taking Bond, on issuing a Writ of Errour, or <i>Superfedeas</i> ,	25
For every other Writ, in any Action or Suit whatsoever,	20
For entering the Sheriff's Return, and entering the Bail by him returned, in the Rule Book,	20

A. D. 1745.	For entering special Bail,	20
	For entering the personal Appearance of the Plaintiff or Defendant, or } the Appearance of an Attorney for either Party,	10
	For entering Security for Costs for Persons out of the Country,	20
	For filing a Declaration, and every Plea or Demurrer, in any Cause, to } the making up of the Issue, and for filing Errours upon Appeals, Writs } of Errour, or <i>Superfedeas</i> ,	20
	For a Copy of every Declaration, Plea, or Demurrer, or of Errours,	20
	For every Rule, entered in the Rule Book,	20
	For a Copy of every Rule,	10
	For every Order in Court before Trial,	10
	For a Copy of the same,	10
	For filing Papers of each Party, in any Action or Suit,	15
	For docketing every Cause on the Docket (to be charged but once)	10
	For every Trial, swearing the Jury and Witnesses, and recording a general } Verdict,	50
	For administering an Oath or Affirmation in Court, except Witnesses, to } a Jury,	10
	For every Trial where there is a special Verdict, swearing the Witnesses } and Jury, and recording such Verdict,	75
	And where there is no Jury, but a Case agreed,	25
	For swearing Witnesses for each Party in every Cause where there is no } Jury,	15
	For a Copy of a Case agreed, or Notes of a special Verdict,	25
	For entering every Order made in Court after Verdict or Demurrer joined,	10
	For entering every Continuance on the Court Docket,	10
	For entering every Judgment,	10
	For recording the Report of Auditors, when it is desired,	40
	For making a complete Record in every Cause, inserting a Case agreed, } or special Verdict at large from the Notes, and all Deeds and other } Evidences at large, for every twenty Words,	1
	For a Copy thereof, or any Part thereof, the same.	
	For filing Bill, Answer, Replication, or other Pleadings in Chancery, each,	15
	For a Copy thereof, for every twenty Words,	1
	For entering every Decree,	10
	For drawing up every Decree at large, entering the Substance of the } Bill, Answer, and other Pleadings, the Substance of the Evidence, } and the Decree thereupon, for every twenty Words,	1
	For filing the Depositions in every Cause, in Behalf of each Party,	15
	For a Copy of the Depositions, for every twenty Words,	1
	For a Recognizance in Court,	20
	For entering an Appeal to <i>England</i> , and taking Bond,	50
	For filing the Record upon an Appeal, Writ of Errour, or <i>Superfedeas</i> , } from a County Court, or any inferiour Court,	15
	For a Copy of such Record, for every twenty Words,	1
	For filing the Return of a <i>Certiorari</i> , or <i>Habeas Corpus</i> ,	15
	For taxing the Costs in any Action or Suit, and a Copy thereof,	20
	For every Petition for lapsed Land, for writing it, and issuing a Summons } thereon,	50
	For every Order thereon,	15
	For recording any Thing not herein particularly mentioned, or for a Copy } thereof, for every twenty Words,	1
	For a * Search for any Thing if above a Year's Standing, or reading the } same, or any Part thereof, if required,	10
	For every Order to a Witness for Attendance (to be charged to the Party } against whom such Order goes)	10

* 7 Geo. 3.
1766) cap. 26.
For the
Search
when a Copy
is taken.

A. D. 1745.

II. WHICH said several Fees herein before expressed shall be charged to the Party at whose Instance the Business shall be performed, except where it is otherwise directed; and that the Fees herein after mentioned, and allowed to the Secretary, shall be charged to the several Counties respectively for whose Service the Business shall be performed, and shall be by the Justices levied on the Inhabitants thereof, that is to say:

For a Commission of the Peace, and <i>Dedimus</i> , to administer the Oaths, and recording the same,	160
For a Commission of <i>Oyer</i> and <i>Terminer</i> , and <i>Dedimus</i> , to administer the Oaths (to be repaid the County by the Publick)	100
For a Writ for electing of Burgesses,	350
For filing an Inquisition, on View of a dead Body, and recording the same, (which shall be repaid the County out of the Estate of the Deceased, if sufficient)	50

To the County Court Clerks.

Pounds of Tobacco.

Clerks Fees.

For taking a Bond upon issuing Injunctions in Chancery,	20
For recording Deeds of Lease and Release, for conveying or settling of Lands only, or together with Slaves and personal Estate, Bond to perform Covenants, Certificate of the Proof or Acknowledgment, as the Case is, and all Matters relating thereto,	150
For a Copy thereof,	55
For recording every Deed of Feoffment, or Bargain and Sale, or other single Deed, for conveying or settling Lands and Tenements only, or together with Slaves and personal Estate, Bond to perform Covenants, Certificate of the Proof or Acknowledgment, as the Case is, and all Matters relating thereto,	100
For a Copy thereof,	40
For issuing and recording a Commission to take the Acknowledgment and privy Examination of a <i>Feme Covert</i> , with a Certificate of the Commissioners, if such Commission be required.	40
For a Copy thereof,	20
For recording a Patent,	50
For a Copy thereof,	25
For recording a Deed for Land from the Proprietors of the Northern Neck,	50
For recording a Deed concerning Slaves, or any personal Matter or Thing only, with the Certificate of its Proof or Acknowledgment,	40
For a Copy thereof,	30
For recording a Letter of Attorney,	30
For a Certificate of the Proof or Acknowledgment thereof,	10
For a Copy of a Letter of Attorney, with such Certificate,	25
For recording a Bond, with Condition, other than for Performance of Covenants in Deeds of Conveyance, or Settlement of Lands,	20
For a Copy of a Bond, with Condition, other than an Appeal Bond, the same.	
For a Copy of any other Obligation, or promissory Note,	10
For the Probation of any Will or Testament, and recording the same, entering the Order or Orders for appraising the Estate, and for any other Matter concerning the same, where the Will shall be contained in one Sheet,	40
And if the Will is contained in more than one Sheet, for every such Sheet,	20
For a Commission of Administration of the Goods of any Person dying intestate, for entering the Order or Orders for Appraisement, and for any other Matters concerning the same,	40
For recording an Inventory, where the Appraisement doth not amount to above ten Pounds,	10
Where the Appraisement exceeds that Value, and is under fifty Pounds,	50

<i>A. D. 1745.</i>	And where it shall exceed fifty Pounds, and is under one Hundred Pounds,	100
	And where it shall exceed one Hundred Pounds, or there is no Appraisalment,	250
	For a Copy of a Will or Inventory, if the Original is contained within one Sheet,	30
	If the Original is contained in more Sheets than one, for a Copy of every such Sheet besides the first,	20
	For a Copy of an Act of Assembly,	40
	For recording the Age of a Servant or Slave adjudged in Court,	10
	For a Certificate thereof, if required,	8
	For a Certificate of any Person's Departure out of the Country,	15
	For attending a Court for Examination of Criminals and Trial of Slaves, if the Court is held for that Purpose (to be paid by the County, and repaid by the Publick)	200
	For a Copy of a List of Tithables, taken by a Justice in his Precinct,	20
	For the whole Fee for an Ordinary License, and Bond,	50
	For a Copy of the Rates of Liquors,	15
	For a Marriage License, Certificate, and Bond,	50
	For proving Rights for Land, produced at one Time, belonging to one Person, and Certificate thereof,	13
	* For every Search for any Thing above a Year's Standing,	5
	For reading any Thing, if a Copy be not required,	5

* 7 Geo. 3.
(1766) Cap. 26.
no Fee allowed
for a Search
when a Copy
is taken.

In Actions, and other Suits.

Pounds of Tobacco.

	For every Writ, other than such as are herein after particularly mentioned,	10
	For a Copy of such Writ,	5
	For every Writ of Execution, or <i>Scire Facias</i> ,	15
	For a Copy thereof,	8
	For recording the Return thereof,	8
	For a Writ of Attachment, in any Action,	15
	For recording the Return thereof,	15
	For an Attachment granted by a Justice of the Peace returnable to the Court, and recording the Return and putting the same on the Docket,	20
	For every Summons to summon a Garnishee on such Attachment,	10
	Filing every Bail Bond, or entering the Bail returned,	10
	For docketing every Cause, except by Petition (to be charged but once)	5
	For a Copy of the Return of any Writ,	3
	For entering special Bail,	10
	For entering Security for Costs for Persons out of the Country,	10
	For entering the Appearance of the Defendant or Defendants where there is no Attorney in any * Suit, except by Petition,	5
	For entering one or more Attornies for each Party,	5
	For every Petition, Declaration, or other Pleadings, except in Suits by Petition for Debt, Detinue, Assumpsit, or Trover,	10
	For a Copy of any Declaration, special Pleading, or Demurrer,	10
	For a Copy of a Plea, if the general Issue,	3
	For every Trial, swearing the Jury and Witnesses, filing all Papers, and recording a general Verdict,	40
	For every Trial where there is a special Verdict, or Case agreed, and recording the same,	65
	For swearing the Witnesses in every other Cause where there is no Jury, or Case agreed, except by Petition,	10
	For filing the Papers of each Party in every Cause, except by Petition, and where there is a Jury or Case agreed,	10

* Such in-
stead of Suit, in
the Roll.

For a Copy of a special Verdict, or Case agreed, and every Thing therein set forth, or for making up a full and complete Record, for every thirty Words,	}	1	A. D. 1745.
For entering every Judgment, or for a Copy thereof,		10	
For filing a Bill, Answer, Replication, and other Pleadings in Chancery, for each,	}	10	
For a Copy thereof, for every thirty Words,		1	
For a Commission to examine Witnesses,		25	
For attending and writing Depositions taken against Inspectors before Justices of the Peace,	}	100	
For entering every Decree in Chancery,		15	
For filing the Depositions in any Suit, for each Party,		5	
For every Deposition taken in Court,		10	
For a Copy of a Deposition,		10	
For administering an Oath in Court not relating to the Trial of any Cause there depending, and certifying the same,	}	10	
For every Recognizance in Court,		10	
For entering the Order or Orders in any Cause in one Court,		15	
For entering every Order for Attendance of Witnesses,		10	
For a Copy of any Order,		10	
For recording the Report of a Jury in the County, Surveyor, Auditor, or Viewers,	}	20	
For a Copy thereof,		20	
For taxing Costs to any Judgment or Decree where Costs are recovered, or for a Copy of a Bill of Costs, if required,	}	11	
For a Copy of an Account,		10	
For entering an Appeal, and taking Bond to prosecute it,		20	
For a Copy of the Bond,		10	
For returning an Appeal, and Security, to the Secretary's Office,		30	
For returning Writ of Errour, <i>Superfedeas</i> , <i>Certiorari</i> , or <i>Habeas Corpus</i> ,		20	
For a Copy of the Proceedings of the Cause wherein the Appeal is granted, for every thirty Words,	}	1	
For recording the Acknowledgment of Satisfaction of a Judgment,		10	
For entering each Order for a Witness's Attendance (to be charged to the Party in whose Behalf the Witness is summoned, and taxed in the Bill of Costs, if such Party recover)	}	10	
For a Copy thereof (to be taxed and charged in like Manner)		10	
For an Attachment thereon (to be charged to the Party against whom such Attachment shall be issued)	}	10	
For the whole Fee chargeable for every Petition for Debt, Detinue, Assumpsit, or Trover, and all the Proceedings therein, including a Copy of the Judgment, and taxing Costs, if required, except the respective Fees for summoning Witnesses, entering Attornies, for every Order for Continuance, and for issuing Execution, where any of those Matters happen,	}	50	
For entering an Attorney in such Petitions (to be paid by the Party by whom such Attorney shall be employed, and not to be taxed in the Bill of Costs)	}	5	
For a Summons for several Witnesses living in one County, if Summonses for all be taken out at one Time,	}	10	
For recording any Thing * not herein particularly mentioned, or for a Copy thereof, for every thirty Words,	}	1	The Word not is not in the Roll.
For the Acknowledgment and Proof of any Deed in the County Court, and for certifying the same, to be recorded in the General Court,	}	30	

III. AND if any Plaintiff or Defendant, or his or her Attorney, shall take out Copies of his or her own Declaration or Pleadings, or of his or her own Papers, in any Cause, or of any common Order made in such Cause, the Charge

Rules in taxing Costs.

A. D. 1745.
See 5 Geo. 3.
(1765) Cap. 4.
Sect. 55. Deduc-
tions in taxing
Costs recovered.

of such Copies shall not be allowed in the Bill of Costs, although such Party recover; and where more Attornies than one shall be employed in any Cause on one Side, if such Attornies take out more than one Copy of any Thing necessarily relating to the Suit, yet no more than one Copy shall be allowed in the Bill of Costs; neither shall the Clerk tax any Fee in the Bill of Costs for entering any more than one Attorney, although Costs shall be adjudged against the adverse Party.

For all publick Services of the Clerk, *viz.* entering and issuing Copies of Orders for appointing Surveyors of Highways, appointing Constables, Grand Juries, taking the List of Tithables, entering Guardians Accounts and all Matters relating thereto, binding out poor Orphans and appointing Guardians, entering the Levy and Copies thereof, and of the List of Tithables for the Collector, and for entering and issuing the Orders, except against Guardians where they shall stand out in Contempt (to be charged to such Guardian) and issuing the Orders for recommending Sheriffs and Justices, and for processioning, and all other publick Services for which no particular Fee is allowed (to be levied annually by the Justices of the County) besides Cask,

1200

On Present-
ments by the
Grand Jury, or
Prosecutions by
Church-War-
dens,

IV. AND when any Person or Persons presented by the Grand Jury, or prosecuted by the Church-Wardens, shall be discharged from any such Presentment or Prosecution, the Clerk shall charge no Fees for the same, or any Matter relating thereto, but the same shall be deemed to be included in the publick Services; but if the Party or Parties so presented or prosecuted shall be convicted, then, in such Case, the Clerk shall charge him, her, or them, so convicted, with all the Fees accruing thereon.

in Suits brought
by the Trea-
surer for Duties,
and for making
up complete
Records,

V. AND where the Treasurer for the Time being shall prosecute or sue any Person or Persons for Duties due or owing to him, and shall recover Judgment against him, her, or them, the Clerk of the Court wherein such Suit shall be brought shall and is hereby required to charge all the Fees accruing thereon to the Person or Persons against whom such Judgment shall be obtained; and no County Court Clerk shall charge any Fee for making up a complete Record, unless it be in Causes where the Title or Bounds of Land are determined, or when he is to transmit the Transcript of the Record of any Cause to the Secretary's Office, upon Appeals, or Writs of Errour, *Habeas Corpus*, *Superfedeas*, or *Certiorari*.

Fee Bills to
be produced.

VI. AND to the End all Persons chargeable with any of the Fees aforesaid may certainly know for what the same are charged, *Be it further Enacted*, that none of the Fees herein before mentioned shall be payable by any Person whatsoever until there shall be produced, or ready to be produced, unto the Person owing or chargeable with the same, a Bill, or Account, in Writing, containing the Particulars of such Fees, signed by the Clerk or Officer to whom such Fees shall be due, or by whom the same shall be chargeable, respectively; in which said Bill or Account is and shall be expressed, in Words at Length, and in the same Manner as the Fees aforesaid are allowed by this Act, every Fee for which any Money or Tobacco is or shall be demanded.

To the Sheriff.

Pounds of Tobacco.

Sheriffs Fees.

For an Arrest, Bond, and Return,	30
For returning a <i>Capias</i> , <i>Non est Inventus</i> ,	10
For serving a <i>Scire Facias</i> ,	15
For serving any Person with an Order of Court, and making Return thereof,	15
For pillorying any Person,	20
For putting into the Stocks,	10

For ducking any Person,	20	A. D. 1745.
For putting in Prison, and Release,	20	
For serving a <i>Subpœna</i> in Chancery,	15	
For serving a Summons upon a Petition for Debt, Detinue, Assumpsit, or Trover,	15	
For serving a <i>Subpœna</i> for a Witness in any Cause in Court, except summoned in Court,	10	
For summoning an Appraiser, Auditor, Viewer, or Witness, to any Deed, Will, or Writing, if required to be summoned, but not else,	10	
For summoning and empannelling a Jury, in every Cause wherein a Jury shall be sworn,	50	
For going to <i>Williamsburg</i> for a Commission of Oyer and Terminer, for every Mile, besides Ferriages (to be paid by the County, and repaid by the Publick)	2	
The same for returning.		
For coming to and attending the General Court with the <i>Venire</i> and Return of the <i>Venire Facias</i> , the same as is allowed to a <i>Venire</i> Man (to be paid by the Publick) and for attending the General Court with stolen Goods, where there is no <i>Venire</i> , the same.		
For summoning the Justices of the County, and attending the Court of Oyer and Terminer, or for the Examination of a Criminal (to be paid by the County, and repaid by the Publick)	200	
For removing of every Criminal from the County Gaol to the publick Gaol, for every Mile (to be paid, and repaid, as aforesaid)	5	
For removing a Debtor by <i>Habeas Corpus</i> from the County Gaol to the publick Gaol, for every Mile,	2	
For executing every condemned Person, and all Fees incident (to be paid, and repaid, as aforesaid)	250	
For summoning a Jury upon any Inquisition, Survey, Writ of Dower, or Partition, if the Jury appear,	150	
And if the Jury do not appear,	75	
For making a Return of a Writ of Dower, Partition, or in the Nature of an <i>Ad Quod Damnum</i> ,	50	
For every Day's Attendance upon a Jury in the Country after they are sworn, or Attendance upon a Surveyor, when ordered by the Court,	50	
For serving a Writ of <i>Habere Facias Seisinam</i> , or <i>Habere Facias Possessionem</i> ,	50	
For serving an Attachment upon the Body,	30	
For serving a Declaration in Ejectment, if against one Tenant,	30	
And if against more Tenants than one, for serving the Declaration on every other Tenant,	15	
For whipping a Servant (to be paid by the Owner, and repaid by the Servant)	20	
For whipping a free Person by Order of Court (to be paid by such Person) the same.		
For whipping a Slave by Order of Court (to be paid by the County, and repaid by the Publick)	20	
* For serving an Execution for any Debt due in Tobacco, five <i>per Cent.</i> for the first Thousand, two <i>per Cent.</i> for all above one Thousand Pounds; if due in Money, five <i>per Cent.</i> upon the first Hundred Pounds, and two <i>per Cent.</i> for all above one Hundred Pounds.		* 5 Geo. 3. (1765) Cap. 6. Sect. 8 regulating Sheriffs Commissions on Insolvencies, &c.
For serving an Attachment upon the Goods exceeding three Pounds, if sold, the same Fee as for serving an Execution; where the Goods do not exceed that Value, or are not sold,	30	
For every Garnishee summoned on such Attachment,	10	
For serving and returning a General Court Writ, Summons, or Order, where the same is not comprehended in any of the foregoing Articles,	30	
For making Proclamation as the Law directs in proving of Wills, or proceeding to Outlawry,	20	

<i>A. D. 1745.</i>	For felling a Servant at publick Outcry by Order of Court, and all Fees incident,	20
	For keeping and providing for a Debtor in Gaol, each Day,	10
	For keeping and providing for a Runaway or Criminal in Gaol, each Day (to be paid by the County, and repaid by the Publick)	5
	For serving a Justice's Warrant,	10
	For summoning a Witness before a Justice,	5
	For all publick Services of the Sheriff, to wit, attending the Courts of Claims and Grievances, empannelling Grand Juries, publishing of Writs for electing of Burgeses, and Attendance, serving all publick Orders of Court, except against Guardians, where they shall stand out in Contempt (to be charged to such Guardian) and all other publick and County Service (to be levied annually, by the Justices, on the County) besides Cask,	1200

On Presentments, &c.

VII. AND when any Person or Persons presented by the Grand Jury, or prosecuted by the Church-Wardens, shall be discharged of such Presentment or Prosecution, the Sheriff shall charge no Fees for the same, but it shall be deemed to be included in the publick Services; but if the Party or Parties so presented or prosecuted shall be convicted, then, in such Case, the Sheriff shall charge him, her, or them, so convicted, with all Fees accruing thereon.

To the Coroner.

Pounds of Tobacco.

Coroners Fees.	For taking an Inquisition on a dead Body (to be paid out of the Deceased's Estate, if the same be sufficient; if not, by the County)	133
	For all other Business done by him, the same Fees as are allowed the Sheriff for the same Services.	

To the Constable.

Constables Fees.	For serving a Warrant,	10
	For summoning a Witness,	5
	For summoning a Coroner's Jury and Witnesses,	50
	For putting into the Stocks,	10
	For whipping a Servant (to be paid by the Owner, and repaid by the Servant)	10
	For serving an Execution or Attachment, returnable before a Justice,	10
	For serving an Attachment, returnable to the County Court, against the Estate of a Debtor removing his Effects out of the County,	30
	For whipping a Slave (to be paid by the Overseer, if the Slave is under an Overseer; if not, by the Master) one Shilling, or	10
	For removing any Person suspected to become chargeable to the Parish (to be paid by such Parish) for every Mile,	2
	The same for returning.	

To the Surveyor.

Pounds of Tobacco.

Surveyors Fees.	For every Survey by him made, plainly bounded, as the Law directs, and for a Plat of such Survey, after the Delivery of such Plat, where the Survey shall not exceed one Thousand Acres of Land,	500
	For every Hundred Acres contained in one Survey, and above the first Thousand,	30
	For surveying a Lot in Town,	20
	And where the Surveyor shall be stopped or hindered from finishing a Survey by him begun (to be paid by the Party who required the Survey to be made)	250
	For running a dividing Line,	250
	For surveying an Acre of Land for a Mill,	100

For every Survey of Land formerly patented, and which shall be required to be re-surveyed, and for a Plat thereof, delivered as aforesaid, the same Fee as for Land not before surveyed; and where a Survey shall be made of any Lands which are to be added to other Lands, in an inclusive Patent, the Surveyor shall not be paid a second Fee for the Land first surveyed, but shall only receive what the Survey of the additional Land shall amount to.

A. D. 1745.

And where any Surveys have been actually made of several Parcels of Land adjoining, and several Plats delivered, if the Party shall desire one inclusive Plat thereof, the Surveyor shall make out such Plat for ten Shillings.

For running a dividing Line between any County or Parish (to be paid by such respective Counties, or Parishes, in Proportion to the Number of Tithables) if ten Miles, or under, } 1000

And for every Mile above ten, 50

VIII. *PROVIDED* always, and be it enacted, that where any Person shall employ a Surveyor, and shall have received a Plat of the Lands surveyed, and afterwards shall assign the Land to any other, either before or after obtaining a Patent for the same, if such Person for whom the Land was first surveyed shall not have paid for the said Survey, it shall and may be lawful for the Sheriff of the County wherein such Assignee shall reside, at the Instance of such Surveyor, to make Distress upon the Slaves, Goods, and Chattels, of such Assignee, in like Manner as is herein after provided for Surveyors or other Officers Fees refused or delayed to be paid.

Lands assigned.

IX. *AND* be it further enacted, that the Clerk of the Secretary's Office shall cause to be set up, in some publick Place in that Office, and there constantly kept, a fair Table of the Secretary's Fees herein before mentioned, on Pain of forfeiting two Thousand Pounds of Tobacco for every General Court Day the said Table shall be missing, through his Neglect; and that the Clerk of every County Court shall in like Manner set up a fair Table of all the other Fees herein before mentioned, in the Court-House of his County, to be there constantly kept, on Pain of forfeiting one Thousand Pounds of Tobacco for every Court Day the same shall be missing, through his Neglect: Both which Penalties shall be to the Person or Persons who shall inform or sue for the same, and shall or may be recovered in any Court of Record within this Dominion, by Action of Debt or Information.

Tables of Fees to be set up.

X. *AND* that if any Officer whatsoever hath heretofore taken any greater Fee than was by the Laws then in Force allowed, or hereafter shall claim, charge, demand, exact, or take, any more or greater Fees, for any Writing, or other Business, by him done, within the Purview of this Act, than herein before set down and ascertained; or if any Officer shall charge or demand, and take, any of the Fees herein before mentioned, where the Business for which such Fees are chargeable shall not have been actually done and performed (to be proved by the Fee Book of such Officer, upon his corporal Oath) such Officer, for every such Offence, shall forfeit and pay to the Party injured, besides such Fee or Fees, two Hundred Pounds of Tobacco for every particular Article or Fee so unjustly charged, or demanded, or taken; to be recovered, with Costs, in any Court of Record within this Dominion, by Action of Debt or Information, provided the same be sued for within twelve Months after the Offence shall be committed.

Penalty for over-charging.

XI. *PROVIDED* always, that nothing herein contained shall be construed to inflict any Penalty on any of the said Officers for demanding and taking the Fees respectively allowed to be taken by them, by one Act of Assembly made in the twelfth Year of his present Majesty's Reign, intituled *An Act for the better regulating and collecting certain Officers Fees, and other Purposes therein mentioned*, at any Time before the Publication of this Act; for which two Months, after the Commencement thereof, is hereby allowed.

proviso.

A. D. 1745.

Accounts of
Fees to be de-
livered to the
Sheriff.

His Duty in
collecting them.

XII. AND for the better collecting the said Tobacco Fees, *Be it further enacted*, that the Clerk of the Secretary's Office, and of every County Court, respectively, and every Surveyor, shall annually, before the twentieth Day of *January*, deliver, or cause to be delivered, to the Sheriff of every County in this Colony, respectively, their Accounts of Fees due from any Person or Persons residing therein, having first made the proper Deductions at the Foot of every such Account; which shall be signed by the Clerks, or Surveyors, respectively. And the said Sheriff is hereby required and empowered to receive such Accounts, and to collect, levy, and receive, the several Quantities of Tobacco therein charged, of the Persons chargeable therewith; and if such Person or Persons, after the said Fees shall be so demanded, shall refuse or delay to pay the same till after the tenth Day of *April* in any Year, the Sheriff of that County wherein such Person inhabits, or of the County in which such Fees became due, shall have full Power, and is hereby required, to make Distress of the Slaves, or Goods and Chattels, of the Party so refusing or delaying Payment, either in that County where such Person inhabits or where the said Fees became due. And the Sheriff of any County, for all Fees which shall remain due and unpaid after the said tenth Day of *April* in any Year, either to himself or the Sheriff of another County, which shall be put into his Hands to collect as aforesaid, is hereby authorized and empowered to make Distress and Sale of Goods and Chattels of the Party refusing or delaying Payment, in the same Manner as for other Fees due to any of the Officers herein before mentioned; but no Action, Suit, Petition, or Warrant from a Justice, shall be had or maintained for Secretary's, County Court Clerk's, or Surveyor's Fees, unless the Sheriff shall return that the Person owing or chargeable with such Fees hath not sufficient within his Bailiwick whereon to make Distress, except where the Clerk, or other Officer, as aforesaid, shall have lost his Fee Book by Fire, or other Misfortune, so that he be hindered from putting his Fees into the Sheriff's Hands to collect, and in that Case any Suit or Warrant may be had and maintained for the Recovery thereof. And if any Sheriff shall be sued for any Thing by him done in Pursuance of this Act, he may plead the general Issue, and give this Act in Evidence.

Sheriff when
to account.

Remedy a-
gainst him, in
Case of Refusal.

XIII. THAT the Sheriff of every County shall, upon or before the last Day of *May* in every Year, account with the Secretary, or his Agent, and the Clerk of the respective County Courts, and the respective Surveyors, for all Fees put into his Hands pursuant to this Act, and pay the same, abating six *per Cent.* for collecting; and the Secretary is hereby required to appoint an Agent in every County to receive the Sheriff's Account, and all Tobacco due to him. And if any Sheriff shall refuse to account or pay the whole Account of Fees put into his Hands, after the Deductions aforesaid are made, together with an Allowance of what is charged to Persons not dwelling, or having no visible Estate, in his County, it shall and may be lawful for the Secretary, or Clerk, or Surveyor, upon a Motion made in the next succeeding General Court, or in the Court of the County of such Sheriff, to demand Judgment against such Sheriff for all Fees wherewith he shall be chargeable by Virtue of this Act; and such Court is hereby authorized and required to give Judgment accordingly, and to award Execution thereupon, provided the Sheriff have ten Days previous Notice of such Motion.

Clerk's Office
to be inspected
annually.

XIV. AND whereas several of the County Court Clerks in this Colony have neglected to record Deeds, Wills, and other Matters of Consequence, *Be it enacted*, that the Justices of the several County Courts shall, annually, appoint two or more fit Persons of their Number to inspect the Clerk's Office of their County, and to report to the next Court the Condition in which they find the Papers and Records.

A. D. 1745.

Attorney's
Fee to be taxed.* Full Fees
allowed by
5 Geo. 3. (1765)
Cap. 15. and
this Clause re-
pealed Cap. 16.

XV. * *AND be it further enacted*, that the respective County Courts, in every Cause, except where the same shall be brought by Petition, where the Plaintiff shall recover or be nonsuit, or where his Suit shall be dismissed, shall allow in the Bill of Costs fifteen Shillings, or one Hundred and fifty Pounds of Tobacco, for an Attorney's Fee, if the Party employed one, except against Executors and Administrators, or where the Plaintiff may not recover more Costs than Damages.

Former Acts
repealed.This Act in
Force for 3
Years.(a) Amended
and continued
by 8 Geo. 3.
(1768) Cap. 3.

XVI. *AND be it further enacted*, that the Act made in the twelfth Year of his present Majesty's Reign, intituled *An Act for the better regulating and collecting certain Officers Fees, and other Purposes therein mentioned*, and one other Act, made in the eighteenth Year of his said Majesty's Reign, for continuing the same, be and are hereby repealed and made void; and that this Act shall continue and be in Force from the End of this Session of Assembly for and during the Term of three Years, and no longer. (a)

C H A P. II.

An Act for the Encouragement of making Saltpetre.

I. **F**ORASMUCH as the making Saltpetre will be of great Advantage to his Majesty's Subjects, therefore, for the Encouragement of so useful an Undertaking,

Preamble.

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same*, that the Sum of one Thousand Pounds current Money be appropriated and paid to the Person or Persons who shall make, or cause to be made, good and merchantable Saltpetre; which said Sum of one Thousand Pounds shall be given and paid, as a Reward or Premium, for the making of Saltpetre, after and according to the Rates following, that is to say: For every Pound Weight of Saltpetre, made according to the above Directions, the Sum of three Pence.

1000 l. cur-
rent Money ap-
propriated to
the Makers of
Saltpetre.Premium 3 d.
a Pound.

III. *PROVIDED always, and it is the true Intent and Meaning of this Act*, that every Person or Persons making such Saltpetre as aforesaid, before they shall be entitled to claim and demand the Reward or Rewards given by this Act, shall apply to the Court of the County in which the Saltpetre shall be made, which Court is hereby empowered and required to order two honest and skilful Persons to view, try, and weigh, all Barrels, Casks, or Parcels, of Saltpetre so made, and to return to the said Court an Account, upon Oath, of the nett Weight of all such Saltpetre as they shall adjudge to be good, sound, and merchantable; and on such Return, and the Oath, or solemn Affirmation, of the Person or Persons claiming the Reward, that the Saltpetre so produced to the Persons appointed to view the same was made in this Colony, and that no Person or Persons have before that Time received, or entitled him, her, or themselves, to the Reward given by this Act, that then, and in such Case, the Court of the said County shall immediately certify the same to the Treasurer of this Colony for the Time being, who is hereby empowered and required, upon producing such Certificate, to pay all such Sum or Sums of Money as shall appear to be due by Virtue of this Act.

Manner of
obtaining the
Bounty Money
given by this
Act.

IV. *AND be it further enacted, by the Authority aforesaid*, that every Person or Persons who in obtaining any Certificate or Certificates whereby to entitle him, her, or themselves, to the Reward or Premium hereby given, shall make

Penalty for
making a false
Oath.

A. D. 1745. a false Oath, and be thereof lawfully convicted, such Person or Persons so offending shall incur the Pains and Penalties inflicted by Law on Persons committing wilful and corrupt Perjury.

Commence-
ment of the
Act.

V. *AND* be it further enacted, that this Act shall commence on the first Day of November next.

Signed by WILLIAM GOOCH, Esq; Governour.
JOHN ROBINSON, Jun. Speaker.

Sir WILLIAM
GOOCH, Bart.
Governour.

At a GENERAL ASSEMBLY begun and held at the College, in *Williamsburg*, the 27th Day of *October*, in the 22d Year of the Reign of our Sovereign Lord GEORGE II. by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord 1748.

C H A P. I.

His Majesty
gave his Assent
to this Act
April 1, 1758,
which was pub-
lished in this
Colony, by Or-
der of the Ge-
neral Court,
1761.

How and
when Deeds for
Lands, &c. shall
be acknow-
ledged, or
proved and re-
corded.

Where.

If the Gran-
tor resides here,
the recording
must be within
8 Months;
if not resident
here, in 2 Years.

Must be per-
sonally a know-
ledged in Court,
or proved by
3 Witnesses at
least.

An Act for settling the Titles and Bounds of Lands, and for preventing unlawful hunting and ranging. (a)

I. **B**E it enacted, by the Lieutenant Governour, Council, and Burgessees, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that no Lands, Tenements, or Hereditaments, within this Colony, shall pass, alter, or change, from one to another, whereby an Estate of Inheritance in Fee Simple, Fee Taille, general or special, or any Estate for Life or Lives, or any greater or higher Estate, shall be made, or take Effect, in any Person or Persons, or any Use thereof to be made, by Bargain and Sale, Lease and Release, Deed of Settlement to Uses of Feoffment, or other Instrument, unless the same be made by Writing, indented, sealed, and recorded, in the Records of the General Court, or of that County Court where the Land mentioned to be passed or granted shall lie, in Manner following, that is to say: If the Person or Persons who shall make and seal such Instrument of Writing shall be resident within this Colony at the Time of making and sealing the same, then the recording thereof shall be within eight Months *(b)* from the Sealing and Delivery; and if the Person or Persons so making and sealing shall be resident in any other Place than within this Colony at the Time aforesaid, then the recording shall be within two Years from the Sealing and Delivery. But no such Deed or Conveyance whatsoever of Lands, Tenements, or Hereditaments, shall be admitted to Record in the General Court, or in any County Court, unless the same be acknowledged in such Court by the Grantor or Grantors thereof in Person, or by some or one of them, to be his, her, or their, proper Act and Deed; or

(a) See 22 Geo. 2. (1748) Cap. 14. directing the Duty of Surveyors and Manner of proceeding on Entries for Land.

(b) By 7 Geo. 3. (1766) Cap. 11. Deeds dated within eight Months next before Nov. 1, 1765, and between Nov. 1, 1765, and June 1, 1766, may be recorded within eight Months from March 1, 1767.

else that Proof thereof be made, in open Court, by the Oath of three Witnesses at the least. A. D. 1748.

II. AND that when any such Deeds or Conveyances shall be acknowledged or proved in Court, in Order to their being recorded, the Livery of Seisin thereupon made, in such Cases where the same is by Law required, shall in like Manner be acknowledged or proved, and shall be recorded together with the Deed or Conveyance whereupon it shall be made. Livery of Seisin to be recorded with the Deed.

III. AND that all Deeds, Mortgages, and other Settlements and Conveyances, for any Lands, Tenements, or Hereditaments, within this Dominion, *bonâ fide* made and executed, at any Time before * the third Day of *June*, in the Year of our Lord one Thousand seven Hundred thirty five, whether the same be by Deed Poll, or otherwise, shall be good, valid, and binding, between the Parties thereto, and their Heirs, notwithstanding the same have not been acknowledged, or proved and recorded. Deeds, Mortgages, &c. executed before June 3, 1735, valid, though not recorded.
* The not in the Roll.

IV. AND that all Bargains, Sales, and other Conveyances whatsoever, of any Lands, Tenements, or Hereditaments, whether they be made for passing any Estate of Freehold or Inheritance, or for Term of Years, and all Deeds of Settlement upon Marriage, wherein either Lands, Slaves, Money, or other personal Thing, shall be settled or covenanted to be left or paid at the Death of the Party, or otherwise, and all Deeds of Trust and Mortgages whatsoever, made and executed at any Time after the said third Day of *June*, one Thousand seven Hundred thirty five, and before the passing of this Act, and all such Deeds and Conveyances which shall hereafter be made and executed, shall be void, as to all Creditors, and subsequent Purchasers, unless they have been or shall be acknowledged, or proved and recorded, according to the Directions of this Act; but the same, as between the Parties, and their Heirs, shall nevertheless be valid and binding. But all Conveyances and Settlements after that Time made, or to be made, shall be void, as to Creditors, and subsequent Purchasers, if not recorded.
Yet binding between the Parties.

V. AND be it further enacted, by the Authority aforesaid, that all Deeds and Conveyances heretofore made, or hereafter to be made, in Writing, indented and sealed by Husband and Wife, and by them personally acknowledged in the General Court or County Court (the Wife having been first examined by such Court privily and apart from her Husband, and giving her free Consent to the same) shall be and are hereby declared to be good and effectual in Law, and shall be as valid to convey and pass over all the Estate, Right, Title, Interest, Claim, and Demand, of such Wife, and her Heirs, in or to the Lands, Tenements, or Hereditaments, so granted or conveyed, whether the same be in Right of Dower or Fee Simple, or whatsoever other Estate, not being Fee Taille, she may have therein, as if the same had been done by Fine and Recovery, or by any other Ways or Means whatsoever; and that where any *Feme Covert* hath heretofore relinquished her Right of Dower in Lands or Tenements, and acknowledged the same in Court, or before Commissioners, and such Acknowledgment has been recorded, the same shall be sufficient and effectual in Law to convey and pass over all such Right, although she has not executed and acknowledged any Deed or Conveyance for that Purpose. Deed by Husband and Wife, acknowledged in Court, shall pass the Estate of the Feme, except in Fee Taille.
Relinquishment of Dower, heretofore made, and recorded, sufficient without Deed in Writing.

VI. AND that where any *Feme Covert* cannot conveniently travel to the General Court or County Court to acknowledge her Deed for passing away her Estate, it shall be lawful for the Clerk of the General Court, or of any County Court, to issue a Commission to two or more Commissioners, being Justices of the Peace in the County where such *Feme* resides, for receiving the Acknowledgment of any Deed of such *Feme Covert*, for passing her Estate in any Lands, Tenements, or Hereditaments; and such Deed acknowledged before them after they shall have examined her privily and apart from her Husband touching her Consent, and thereof certified the Judges, before whom such Commission shall Commissions to receive the Acknowledgment of any Deed executed by a Feme Covert how to be issued and returned.
And shall pass her Right.

A. D. 1748.

Such Acknowledgments heretofore made and certified valid.

be returnable, shall be recorded, together with the Commission and Return, and shall be as effectual as if the same had been personally acknowledged in Court by such *Feme Covert*. And where any such Deed shall have been heretofore acknowledged before Commissioners, and they have certified the privy Examination and Acknowledgment as aforesaid, the same is hereby likewise declared to be valid, and so shall be adjudged, deemed, and taken.

But her privy Examination must be recorded.

VII. AND whereas it has always been adjudged that when a Deed has been acknowledged by a *Feme Covert*, and no Record made for her privy Examination, such Deed is not binding upon the *Feme* or her Heirs :

VIII. *IT is hereby further enacted, and declared*, that the Law herein shall always be held according to the said Judgments, and shall never hereafter be questioned; and that the Clerks of the Courts, before whom any Deed of a *Feme Covert* shall be acknowledged, shall always hereafter record her privy Examination.

For Discovery of prior Conveyances.

IX. AND to the End Persons who are inclined to lend Money upon the Security of Lands, Negroes, and other Estate, or to become Purchasers thereof, may more easily discover whether the Lands, Slaves, or other Things offered to be sold, or mortgaged, be free from prior Encumbrances :

A Memorial of all Deeds and Settlements of any Estate, real and personal, shall be kept in the Secretary's Office.

X. *BE it further enacted, by the Authority aforesaid*, that a Memorial of all Bargains, Sales, Mortgages, and other Conveyances, Marriage Settlements, and Deeds of Trust, whereby any Estate, real or personal, of any Person or Persons whatsoever within this Colony, may be affected, charged, or encumbered, shall be registered in the Secretary's Office, in Books kept for that Purpose, which Memorial shall contain the Date of the Deed or Conveyance, the Names, Surnames, and Additions, of the Parties thereto, the Consideration mentioned therein, the Quantity of Land conveyed, settled, or mortgaged, and where the same lies, and the Number and Names of the Slaves, and Description of the personal Estate, if any be sold, settled, or mortgaged; and the Clerks of all and every the County Courts within this Dominion are hereby required, twice in every Year, that is to say in the Months of *April* and *October*, to transmit to the Secretary's Office Memorials of all such Deeds, Settlements, Mortgages, or other Conveyances, as shall have been acknowledged, or proved and recorded, in their respective Courts, the preceding Half Year, and of all such of the said Deeds as shall be recorded in the General Court the Clerk of the Secretary's Office shall enter Memorials in the Register to be kept by him for that Purpose.

County Court Clerks to return such Memorials Half yearly.

XI. AND whereas in Times past several Persons purchasing Lands in this Colony have had their Deeds and Conveyances for the same acknowledged and recorded, but not within the Time by the Laws then in Force required, and some Persons have procured their Deeds and Conveyances to be recorded in the Courts of other Counties than where the Lands lie, and registered in the Council Books, and others have taken their Deeds and Conveyances not indented, nor sealed, or without any valuable Consideration therein set down or expressed, and some have taken Assignments of Lands only endorsed on the Patents, and others have purchased Lands, and taken Deeds for the same, which by the Death of the Grantor, or some other Accident, have not been acknowledged in Court according to the strict Letter of the Law in that Case heretofore made, but yet have been proved in Court by the Oath of two or more Witnesses, and recorded, and others have purchased Lands, and taken Deeds and Conveyances for the same, but without Livery of Seisin made thereupon in due form of Law, by which several Omissions and Inadvertencies many Controversies might arise among his Majesty's good Subjects here: For Prevention whereof,

A. D. 1748.

Deeds for
Lands executed
before June 3,
1735, confirm-
ed to the Parties
in Possession,
although not re-
gularly proved
or recorded.

XII. *BE it further enacted, by the Authority aforesaid,* that all Deeds and Conveyances whatsoever for any Lands within this Colony, heretofore acknowledged and recorded at any Time before the third Day of *June*, in the Year of our Lord one Thousand seven Hundred thirty five, or registered in the Council Books, or recorded in any other County than where the Lands lie, shall be adjudged, deemed, and taken, and are hereby declared to be, to all Intents and Purposes, valid and available in Law, and shall enure and take Effect, as fully and absolutely, to the Benefit and Advantage of all Persons in Possession of any Lands claimed thereby, and to their Heirs and Assigns, as if the same Deeds had been legally recorded; and all Deeds and Conveyances for Land, *bonâ fide* made and executed before the said third Day of *June*, although not indented or sealed, or without any valuable Consideration therein expressed, and all Assignments endorsed on Patents, shall be adjudged, deemed, and taken, and are hereby declared to be good and valid in Law, and shall enure and take Effect, as fully and absolutely, to the Benefit and Advantage of all and every Person and Persons in Possession of any Lands claimed thereby, to his and their own proper Use and Behoof, and to his and their Heirs and Assigns, as if the same Deeds and Conveyances had been actually indented and sealed, and as if a valuable Consideration had been therein particularly expressed, and as if such Assignments had been made, and the Lands therein mentioned conveyed in due Form of Law; and all Deeds and Conveyances for Land, *bonâ fide* made and executed as aforesaid, and proved in Court by two or more credible Witnesses, to have been the Acts and Deeds of the Grantors thereof, and a Record made of such Proof, shall be and are hereby declared to be good and available in Law, and shall enure and take Effect, as fully and absolutely, to the Benefit and Advantage of the Person and Persons in Possession of any Lands claimed thereby, to his and their own proper Use and Behoof, and to his and their Heirs and Assigns, as if the same Deeds and Conveyances had been personally acknowledged in Court by the Grantors thereof; and all Deeds and Conveyances for any Lands, Tenements, or Hereditaments, within this Colony, *bonâ fide* made and executed as aforesaid, and where Livery of Seisin might be requirable, if the Party or Parties to whom the same have been so conveyed have actually entered thereupon, and they, or those who have their Rights, do still continue in Possession thereof by Virtue of such Deeds and Conveyances, the same shall be and are hereby declared to be firm and valid in Law, and shall enure and take Effect, as fully and absolutely, to the Benefit and Advantage of all and every Person and Persons in Possession of any Lands claimed thereby, as if Livery of Seisin had been made in due form of Law, and not otherwise; any Law, Statute, or Custom, in any of the Cases aforesaid, to the contrary thereof, in any Wise notwithstanding.

XIII. *PROVIDED always,* that nothing herein contained shall extend or be construed so as to confirm any Lands, Tenements, or Hereditaments, whatsoever, to any other Person or Persons than those who have been, or now are, in actual Possession thereof, and those who claim, or at any Time hereafter shall claim, by, from, or under them.

Provido,

XIV. *AND be it further enacted, by the Authority aforesaid,* that it shall not be lawful for any Person or Persons whatsoever, at any Time, to levy any Fine, or to suffer any Recovery to be had, whereby to cut off or defeat any Estate in Fee Taille, general or special, of or in any Lands, Tenements, or Hereditaments, within this Colony; neither shall any such Estate Taille be cut off, or defeated, by any Ways or Means whatsoever, except only by Act of the General Assembly of this Dominion for the Time being, in such particular Case respectively to be had and made: And all and every Fine and Fines, Recovery and Recoveries, and every other Act and Acts, Thing and Things, whatsoever, which shall be levied, made, suffered, done, performed, or executed, for and

No Estate
Taille shall be
defeasible, ex-
cept only by Act
of Assembly.

A. D. 1748. towards the cutting off or defeating any Estate Taille whatsoever, except such as shall be found under the Value herein after limited, otherwise than by Act of Assembly as aforesaid, shall be adjudged, deemed, and taken, and are hereby declared to be null and void, to all Intents and Purposes. (a)

XV. BUT forasmuch as many poor People are seized in Fee Taille of small and inconsiderable Parcels of Land, often ignorantly or undesignedly by their Ancestors devised in Taille, and the docking such Entails by easier Methods will be a great Relief to such Persons and their Families, who otherwise must be confined to labour upon such small Parcels of Lands, when by selling them they might be enabled to purchase Slaves, and other Lands more improveable:

But where such Estate shall not exceed the Value of 200 l. Sterling, Tenant in Taille may have a Writ of *Ad quod Damnum*.

Method of executing and returning the Writ.

Heir in Remainder may attend the Survey.

And then such Estate may be sold to any Purchaser in Fee Simple.

Heir in Remainder or Reversion barred.

Confirmation of Deeds for such Lands heretofore made.

But all such Deeds hereafter must be acknowledged, or proved and recorded, in the General Court.

Limitations of Actions real.

XVI. *BE it therefore further enacted, by the Authority aforesaid,* that it shall and may be lawful to and for any Person or Persons, seized in Fee Taille, general or special, of or in any Lands, Tenements, or Hereditaments, within this Colony and Dominion, not exceeding the Value of two Hundred Pounds Sterling, and not being Parcel of, or contiguous to, other entailed Lands of the same Party, to sue out from the Secretary's Office a Writ in the Nature of an *Ad quod Damnum*, to the Sheriff of the County where such entailed Lands lie, commanding him to inquire, by the Oath of good and lawful Men of his County, of the Value of such Lands, and whether they be Parcel of, or contiguous to, other entailed Lands, as aforesaid; and the better to enable the Jury to judge of the Value of such Lands, the Surveyor of the County shall, in their Presence, survey the Bounds and give the Jury an Account of the Number of Acres contained in the said Survey; and where the Tenant in Possession shall not, at the Time of the Survey, have Issue capable of inheriting the said Lands, and there be a Remainder limited over, the Person next in Remainder, if of Age, shall have Notice of such Survey (and if under Age, the Guardian, or next Friend) that he may attend and see that the Valuation is fairly made; and such Sheriff shall return his Inquisition to the said Office: And if the said Lands shall be found not to exceed the Value aforesaid, and to be a separate Parcel, as aforesaid, then a Deed of Bargain and Sale, reciting the Title, and such Inquisition (wherein a valuable Consideration shall be expressed, and *bonâ fide* paid) acknowledged, or proved by three Witnesses, before the General Court, within eight Months after the Date thereof, and recorded, shall be sufficient in Law to pass the Fee Simple Estate of such Lands to the Purchaser or Purchasers thereof; and the Issue in Taille of the Vendor, and all other Persons in Remainder or Reversion, shall be barred, in the same Manner as the same Estate might be barred by Fine and Recovery, according to the Laws of *England*.

XVII. AND that where any such Deeds have been heretofore made and acknowledged, or proved in the General Court, according to the Direction, true Intent and Meaning, of the Laws then in Force, the same shall be sufficient in Law to pass the Fee Simple Estate of the Lands thereby conveyed to the Purchaser or Purchasers, and to bar the Entail thereof, in the same Manner as if such Laws had not been repealed or altered; and where such Deeds have been acknowledged, or proved in the County Court, and afterwards recorded in the General Court, the same shall be as good and available in Law to pass the Fee Simple Estate of the Lands therein mentioned as if the Acknowledgment or Proof had been made in the General Court: But no such Deed of Bargain and Sale, hereafter to be made or executed, shall be admitted to Record unless the same be acknowledged or proved before the General Court, in the Manner, and within the Time, by this Act required. And for the better avoiding of Suits,

XVIII. *BE it further enacted, by the Authority aforesaid,* that all Writs of Formedon in Descender, Remainder, or Reverter, of any Lands, Tenements,

(a) By 5. Geo. 3. (1765) Cap. 14. Tenants in Taille are enabled to make Leases under certain Restrictions.

or Hereditaments whatsoever, hereafter to be brought upon any Title or Cause heretofore accrued, or which may hereafter fall or accrue, shall be sued out within twenty Years next after such Title or Cause of Action accrued, and not afterwards; and that no Person or Persons who now hath, or have, or hereafter may have, any Right or Title of Entry into any Lands, Tenements, or Hereditaments, shall make any Entry but within twenty Years next after such Right or Title accrued, and such Person shall be barred from any Entry afterwards.

A. D. 1748.
See the Act
4 Ann. (1705)
Cap. 8. for Li-
mitation of
Actions.

XIX. *PROVIDED* nevertheless, that if any Person or Persons entitled to such Writ or Writs, or to such Right or Title of Entry as aforesaid, shall be, or were, under the Age of one and twenty Years, *Feme Covert*, *non compos mentis*, imprisoned, or not within this Colony, at the Time of such Right or Title accrued, or coming to them, every such Person, and his or her Heirs, shall and may, notwithstanding the said twenty Years are or shall be expired, bring and maintain his Action, or make his Entry, within ten Years next after such Disabilities removed, or the Death of the Person so disabled, and not afterwards.

Exception;

XX. *AND* be it further enacted, by the Authority aforesaid, that in all Writs of Right, and other Actions possessory, any Person may maintain a Writ of Right upon the Possession or Seisin of his Ancestor or Predecessor within fifty Years, or any other possessory Action upon the Possession or Seisin of his or her Ancestor or Predecessor within forty Years, next before the Test of the Writ; but no Person shall maintain a real Action upon his own Possession or Seisin but within thirty Years next before the Teste of the Writ.

Rules in
Writs of Right.

XXI. *AND* that the Process in all real Actions shall be the same as is used, and have the same Effect, as in *England*, except that the Returns shall be according to the Laws of this Colony; but that all Essoins, Views, and Vouchers, be and are hereby taken away; and after one Imparlance, unless the Tenant shall plead Non-Tenure, joint Tenancy, or several Tenancy, in Abatement, and then, after such Plea shall be overruled, he shall put himself upon the grand Assize, and the Mise shall be joined upon the mere Right, and be tried at the next Court by sixteen Jurors, to be summoned, tried, and sworn, as in all other Actions. And to remove all Delays and groundless Pretences in saving the Default of the Tenant, no Excuse shall be admitted but Non-Summons; and such Excuse being allowed, he may imparle, and at the next Court shall either plead in Abatement, or put himself upon the grand Assize, as aforesaid.

And Process
in real Actions

XXII. *AND* forasmuch as the Rights and Titles to Lands within this Colony originally depend upon, or are derived from, Patents granted for the same, to prevent all Controversies concerning the Validity of such Patents as have been formerly issued, but are not found among the Records in the Secretary's Office, or not recorded, or for which no Rights have been obtained in the Manner prescribed by Law:

XXIII. *BE* it further enacted, by the Authority aforesaid, that all Patents for any Lands within this Colony granted before the first Day of *June*, in the Year of our Lord one Thousand seven Hundred and ten, by the Governour or Commander in Chief of this Dominion for the Time being, shall be held, deemed, and taken, and are hereby declared to be, to all Intents, Constructions, and Purposes, as firm, valid, and available in Law, to convey and assure the Lands therein granted, to such Person and Persons respectively as the same shall have been granted unto, and to their Heirs and Assigns for ever, as if such Patents had been duly recorded, and as if the Rights had been paid for the same.

Confirmation
of Patents
granted before
June 1, 1710.

XXIV. *AND* that when any Patent for Land shall be passed, the Secretary of this Dominion for the Time being shall cause the same to be recorded in his Office.

Patents to be
recorded.

A. D. 1748.

XXV. AND whereas by a Proviso in every Patent for Land the Patentee is obliged, within three Years next after the Date of his Patent, to seat, plant, and cultivate, the Lands so to him granted: For the better Explanation thereof,

Surplus Land shall be granted to the Patentee, or his Assigns;

but no new seating required.

XXVI. BE it further enacted, by the Authority aforesaid, that if upon any new Survey of Lands, before granted to any Person, a greater Quantity of Land shall be found within the Bounds expressed in the Patent than therein is mentioned and set down; it shall be lawful for the Proprietor and Possessor of such Land for the Time being to sue forth a new Patent for the same Lands, wherein the just Quantity of Land shall be more exactly expressed, yet nevertheless such Person shall not be obliged to any new seating, planting, or Cultivation, notwithstanding such Proviso in his new Patent.

Double Patents confirmed without new seating.

XXVII. AND that where any Person hath heretofore taken up any Tract or Parcel of Land adjoining to other Lands in his or her Possession, and shall have obtained a Patent for the same, commonly called a double Patent, wherein both Tracts are joined, in such Case all such Patents shall be, and are hereby declared to be, good and available in Law to confirm the same to such Patentee, and those claiming under him or her, being in Possession thereof, and to his and her Heirs for ever, without any new seating or planting, notwithstanding the Proviso aforesaid.

Improvements on any Part of a Tract extend to the whole.

XXVIII. AND that if any Person who now is, or hereafter shall be, possessed of any Tract of Land which ought to be seated, planted, cultivated, and improved, according to the Directions of this Act, shall be desirous to take up one or more Tracts of Land adjoining, and shall include all the said Tracts in one Patent, such Lands shall be accounted as one entire Tract, and any Improvements which shall thereafter be made, according to the Directions of this Act, on any Part of the said Tracts, shall be held, deemed, and taken, to extend towards saving of the whole, in Proportion to such Improvements made thereon.

Patentee failing to seat, &c. or to pay the Quitrents, as by this Act required, loses his Land, and Rights also.

XXIX. AND that where any Person heretofore hath, or hereafter shall obtain, a Patent for any Lands within this Colony, and shall fail to seat and plant, or cultivate and improve, the same, or to pay the Quitrents thereof, according to the Proviso and Condition of his Patent, and the particular Directions of this Act, every such Patentee shall not only lose the Land so to him or her granted, but shall also lose all Benefit of the Rights upon which he or she obtained such Patent.

Lands shall not be lapsed until 3 Years after the Date of the Patent, or until 3 Years Quitrents are arrear.

Nor without Judgment of the General Court.

Method of petitioning for lapsed Land.

Summons.

XXX. AND be it further enacted, by the Authority aforesaid, that no Patent shall be granted to any Person or Persons for any Tract or Parcel of Land as lost and forfeited for Want of seating and planting, or for Non-Payment of the Quitrents, until three Years shall be expired from and after the Date of the Patent granted for the same, or unless there shall be three Years Quitrents in Arrear; neither shall any Patent be granted by Reason of such Forfeiture until Judgment and Certificate thereof obtained from the General Court, in Manner following, that is to say: The Party desiring such Grant of forfeited Lands shall first Petition the Governour, or Commander in Chief of this Dominion for the Time being, and in his Petition shall set forth in what County the Land lies, to whom it was formerly granted, and in whose Possession it then is, for what Cause the same is become forfeited, and in what County the Grantee, or Person in Possession, resides; and such Petitioner shall at the same Time file a Copy of his Petition in the Secretary's Office, and thereupon the Clerk of the said Office shall issue a Writ to the Sheriff of the County where such Grantee, or Person in Possession, resides, commanding him to summon the said Person to appear at the next succeeding General Court, on a certain Day thereof, to shew Cause why the Land petitioned for, and adjudged to be forfeited, for not seating and planting,

or for Non-Payment of Quitrents, as the Cafe fhall be, may not be granted to the Petitioner; which Writ fhall be ferved upon fuch Grantee, or Perfon in Poffeffion, by the Sheriff or Under Sheriff of the County where he or fhe refides, who fhall make due Return thereof; and if fuch Perfon be not refident within this Colony, then fuch Writ fhall be ferved upon his or her Attorney lawfully appointed; and if no fuch Attorney can be found, then a Copy of fuch Writ fhall be affixed at the Door of the Court-Houfe of the County where the Land lies, on five feveral Court Days, and alfo in the Court-Houfe of the General Court, at three fucceffive Courts, and thereafter fuch Proceedings fhall be had as if fuch Party had been perfonally summoned. And where fuch Writ fhall be returned ferved, if the Party summoned, or his Attorney, fhall not appear, and make fufficient Proof that the Land petitioned for hath been feated and planted, or that the Quitrents thereof have been duly paid, as the Cafe fhall require, then the General Court fhall adjudge fuch Lands to be forfeited, and reverted in the Crown, and fhall caufe Judgment to be entered accordingly, and certify the fame to the Governour, or Commander in Chief of this Dominion for the Time being, and alfo that the Party profecuting was the firft Petitioner for the faid Land, and hath profecuted his Petition with Effect; which Certificate fhall entitle him to the Land fo adjudged and certified to be forfeited, in the fame Manner, and fubject to the fame Conditions and Provifoes, as Lands not before patented are fubject to. And if there fhall happen to be a greater Quantity of fuch forfeited Land than fhall be granted to fuch Petitioner, the Refidue thereof fhall be granted to fuch Perfon or Perfons as fhall petition for the fame, in the Manner, and fubject to the Conditions and Provifoes, aforefaid.

A. D. 1748.

Where the
Party refides
here.Where not
refident in this
Colony.Return of
Summons.

Judgment.

Surplus Land.

XXXI. *PROVIDED* always, that if upon Trial it fhall appear that the Lands fo petitioned for have been feated and planted at any Time before fuch Petition exhibited, though not within three Years as aforefaid, the fame fhall be adjudged, and is hereby declared to be, a fufficient feating and planting, within the Meaning of this Act; and that when any fuch Petition as aforefaid fhall be exhibited, the Patentee, or Party in Poffeffion, fhall and may referve to himfelf fo much of the Land petitioned for as fhall be proved to have been feated and cultivated according to the Directions of this Act, and may allot the Refidue, which fhall be found and adjudged to be lapsed, to the Petitioner for the fame, in any Part of the Tract, in one entire Piece.

Lands faved
before Petition
exhibited re-
main to the
Patentee.Who may al-
lot the lapsed
Part, in one
Piece of his
Tract, where
he thinks fit.

XXXII. AND to the End the Lands of Infants may be fecured to them from being forfeited for not feating and planting, or not paying Quitrents,

XXXIII. *BE it further enacted, by the Authority aforefaid,* that where any Patentee fhall depart this Life within three Years of the Date of his Patent, without feating, planting, or paying Quitrents, and the Right of Inheritance fhall defcend or come to any Infant under the Age of one and twenty Years, in fuch Cafe the Sheriff of the County wherein fuch Lands fhall lie may diftrain the Slaves, Goods, and Chattels, of fuch Infant, for all Quitrents due from Time to Time; and if no fuch Diftreffs can be made, or if the Lands fhall not be feated and planted, yet the fame fhall not be forfeited until three Years after fuch Infant hath attained his or her full Age: But the feating and planting fuch Lands, and paying the Quitrents arrear and due for the fame, within the faid three Years, fhall be adjudged, and is hereby declared to be, fufficient to fave fuch Lands from being lapsed or forfeited.

Provisions for
fecuring the
Lands of
Infants.

XXXIV. AND that where any Patentee fhall die within three Years as aforefaid, and the Right of Inheritance fhall defcend or come to any Perfon not being then refident within this Colony, fuch Perfon fhall not be liable to any Forfeiture for not feating and planting, or for Non-Payment of Quitrents, until the Expiration of three Years after his or her Right accrued.

And Perfons
not refident in
this Colony.

A. D. 1748.

XXXV. AND for preventing Disputes and Controversies concerning Lands alleged to be lapsed for Want of seating and planting, which cannot be determined without great Difficulty, unless the Matter of Right be contested within a reasonable Time, but otherwise must be of evil Consequence to many People and their Families, who have been long, and yet are, in quiet and peaceable Possession of their Lands, but nevertheless may not be able to produce legal Evidence of the Cultivations and Improvements made by their Ancestors or Predecessors :

Petitions for
lapsed Land
shall be brought
within 10
Years.

XXXVI. *BE it therefore further enacted, by the Authority aforesaid, that* after the passing of this Act no Petition shall be received or allowed for Lands supposed to be lapsed for Want of Cultivation and Improvement, if the same be not exhibited within ten Years next after the Date of the Patent granted for the Land in such Petition alleged to be lapsed or forfeited; and that where no Petition shall be exhibited within that Time, the Patentee, and those claiming under him, shall for ever afterwards be held and adjudged to have made a sufficient seating, planting, Cultivation, and Improvement, to save such Lands from lapsing.

XXXVII. AND whereas several Persons have sued out and obtained Patents for Swamps, Marshes, and sunken Grounds, adjacent to the patented high Lands of other Persons, and without their Consent or Privity, to the great Prejudice and Inconvenience of the Owners of such high Lands: For Remedy thereof for the future,

Rules in suing
forth Patents
for Swamps,
Marshes, and
sunken
Grounds.

XXXVIII. *BE it further enacted, by the Authority aforesaid, that* no Person whatsoever shall take up and patent any Swamps, Marshes, or sunken Grounds, lying contiguous to the patented high Lands of any other Person or Persons, unless the Party intending to take up and patent the same shall first, in the Presence of two or more Witnesses, have given Notice of such his Intention to the Proprietors for the Time being then in Possession of such high Lands, particularly specifying the Lands intended to be taken up, and until one whole Year shall be fully expired from and after the Time of such Notice given; and if within that Time the Proprietor then in Possession shall not obtain Rights, and sue forth a Patent, for such Lands, then it shall be lawful for the Person or Persons who have given such Notice, his, her, or their Heirs and Assigns, to take up and patent the same, in which Patent shall be particularly expressed whether the Lands thereby granted are Swamps, Marshes, or sunken Grounds, and to whose high Lands they are adjoining. And all and every Patent and Patents for such Lands heretofore obtained, at any Time since the twenty fifth Day of *October*, in the Year of our Lord one Thousand seven Hundred and ten, or which at any Time hereafter shall be sued forth or obtained contrary to the Directions of this Act, shall be, and is and are hereby declared to be, null and void, to all Intents and Purposes, as if such Patent or Patents had never been obtained or granted. And if any Controversy concerning such Notice as aforesaid shall arise within five Years after the same ought to have been given, the *Onus Probandi* shall lie upon the Person who ought to have given Notice; but where no such Controversy hath arisen, or shall arise, within that Time, five Years Possession shall be held and taken as sufficient Proof that due Notice has been given.

Patents for
such, obtained
since *October*
25, 1710, con-
trary to this
Act, void.

Notice may
be controverted
within five
Years, but not
after.

Saving to In-
fants, and Per-
sons under legal
Incapacities.

XXXIX. *PROVIDED* always, that nothing in this Act shall be construed, or extend, to give Liberty to any Person or Persons to take up and patent any Swamps, Marshes, or sunken Grounds, lying contiguous to the high Lands of any *Feme Covert*, or Infant under the Age of one and twenty Years, or of any Person not being *compos mentis*, under Pretence or by Virtue of Notice being given as aforesaid, either to such *Feme*, Infant, Person *non compos mentis*, or to the Husband, Guardian, or other Person then in Possession thereof.

A. D. 1748.

XL. AND whereas, through the Ignorance or Negligence of Surveyors in former Times, divers Persons have held, or hold, within the Bounds in their Patents expressed, greater Quantities of Land than are mentioned in their Patents or Deeds, and for which they pay no Quitrents: For quieting such Possessions, and preventing Controversies,

XLI. *BE it further enacted, by the Authority aforesaid,* that it shall not be lawful for any Person to enter for any Parcel of Land held of the Crown, for or by Reason of its being Surplus Land, until the Party intending to take up and patent the same shall have given Notice to the Person holding such Lands, in the like Manner as is herein before directed for Swamps, Marshes, and sunken Grounds, and until one whole Year shall be fully expired from and after such Notice given; and in Case the Party in Possession shall not within the Year obtain Rights, and sue forth a Patent, for the Surplus Land by him held, it shall be lawful for the Person who gave Notice as aforesaid to survey, at his own Charge, the whole Tract within the Bounds of the Patent, Deed, or other Conveyance, whereby the same is or shall be held, and thereupon to sue forth a new Patent for all Surplus Land found within the same Bounds, which shall be granted to him in the same Manner, and under the like Limitations and Conditions, as Lands not before patented: But the Patentee or Possessor may assign such Surplus Land, in any Part of his Tract as he shall think fit, in one entire Piece.

Rules in Entries for Surplus Lands.

XLII. *PROVIDED always,* that if upon Notice given as aforesaid the Person in Possession shall within the Year survey his Tract, and if it be thereupon found that he hath no more Land than he pays Quitrents for, the Party giving such Notice shall be liable to pay all Charges of such Survey, and moreover, for his unjust Vexation, shall also be liable to an Action upon the Case, at the Suit of the Party grieved; and that in all such new Surveys the Patentee or Possessor shall have an Allowance, at the Rate of five Acres in every Hundred, for the Variation of Instruments.

Proviso.

Five per Cent. Allowance for Variation of Instruments.

XLIII. *PROVIDED also,* that where such Notice shall be given to any Person, being Tenant in Taille, or Tenant by the Curtesy of *England*, of and in any Tract of Land where Surplus is alleged to be, such Tenant shall within the Year survey the same, and give an Account to the Sheriff of the County wherein such Tract shall lie, of the true Quantity of Surplus Land found therein, and thereafter pay the Quitrents becoming due for the same; which Survey, and Payment of Quitrents, shall be good and effectual to secure the Surplus to such Tenant, and those claiming in Reversion or Remainder, without suing forth any new Patent for the same, neither shall any Patent be granted to any Person petitioning for such Surplus Land: But if, upon Notice given as aforesaid, such Tenant shall neglect or refuse, within one Year then next, to survey and give Account of the Surplus, if any be, to the Sheriff as aforesaid, such Tenant shall, for every such Neglect or Refusal, forfeit and pay twenty Pounds current Money, one Moiety to our Sovereign Lord the King, his Heirs, and Successors, and the other Moiety to the Informer; to be recovered, with Costs, by Action of Debt or Information, in any Court of Record of this Dominion. And where, in Case of Survey so made, it shall appear that such Tenant holds no more Lands than he already pays Quitrents for, the Party giving Notice shall be liable as aforesaid.

Privileges of Tenant in Taille, or by the Curtesy.

Penalty if he fails to pursue the Directions of this Act.

XLIV. AND that every Tenant in Taille, or by the Curtesy, shall from Time to Time be liable for the Quitrents of all Lands by him or her respectively held, which may be levied upon the personal Estate of such Tenant, in any County of this Colony, in the same Manner as the Law directs his Majesty's Quitrents to be collected, levied, and paid.

His Goods and Chattels liable for the Quitrents.

A. D. 1748.
 Rules in fea-
 ting and faving
 Lands.

XLV. AND for the better explaining and afcertaining what fhall be a fuffi-
 cient feating, Cultivation, and Improvement, to fave Lands from becoming lapsed
 or forfeited:

How and by
 whom Surveys
 fhall be made.

XLVI. *IT is hereby further enacted, and declared,* that every Survey of Lands
 intended to be patented fhall be made and returned by a fworn Surveyor, duly
 commiffionated for that Purpofe, and that the Breadth of every Tract fo to be
 furveyed fhall be one Third at leaft in Proportion to the Length thereof, except
 where the Courfes fhall be interrupted by Rivers, Creeks, or unpaflable Moun-
 tains and Swamps, or by the Bounds of other Lands before taken up or patented.

Clearing,
 tending, and
 working the
 Land.
 Draining
 Marfhes, &c.
 Keeping
 Stocks.

XLVII. AND that for every fifty Acres of Land which fhall be granted in or
 by any Patent hereafter to be iffued, the Patentee fhall, within three Years after
 the Date of his Patent, clear, tend, and work, three Acres at the leaft, and fo
 proportionably for a greater or lefs Quantity, in fome Part of his Tract where he
 fhall think beft; or fhall clear and drain three Acres of Swamp or funken Grounds,
 or Marfh, if any fuch be within the Bounds of his Tract; or he fhall put and
 keep on his Tract, within the Time aforefaid, three neat Cattle, or fix Sheep or
 Goats, for every fifty Acres, during the Term of three Years.

Working
 Mines.

XLVIII. AND that if any Patentee or Proprietor fhall, within three Years
 as aforefaid, begin to work in digging any Stone Quarry, Coal, or other Mine,
 upon his Tract, and continue the fame for three Years then next following, he
 fhall, for every able Perfon fo employed, fave one Hundred Acres.

Paftures
 cleared and
 fenced.

XLIX. AND that for every three Acres well fenced and cleared, which fhall
 be kept and ufed for a Pasture, during the Term of three Years, the Patentee
 fhall fave fifty Acres.

Buildings,
 planting Fruit
 Trees, and other
 Improvements.
 * As not in
 the Roll.

L. AND that where the Patentee or Proprietor of any Lands fhall, within
 three Years * as aforefaid, expend any Sum or Sums of Money, or Tobacco, in
 building Houfes, Water Mills, or other Works, or in planting of Trees or quick-
 fet Hedges, or making any other Improvements, for every five Pounds current
 Money, or the Value thereof, fo expended, he fhall fave fifty Acres, and fo pro-
 portionably for a greater or leffer Sum.

Valuation of
 Improvements.

LI. AND that for preventing Controversies touching the Value of fuch
 Buildings, or other Improvements, it fhall be lawful for the Court of the County
 where fuch Lands fhall lie, and they are hereby authorized and required, upon
 Application to them made by the Patentee or Proprietor, or his or her Agent, to
 order fuch Buildings and Improvements to be viewed by two or more honeft and
 indifferent Men, who fhall be firft fworn before a Juftice of Peace truly to value
 the fame according to the beft of their Judgment, having Regard to fuch Accounts
 of the Expences as fhall be to them produced, and reafonably proved upon Oath,
 or otherwife; which Valuation fo made fhall be returned to the faid Court, and
 recorded in particular Books for that Purpofe, and fhall be adjudged, deemed,
 and taken, to be fufficient Proof of the Value of fuch Improvements. And in Cafe
 Petition fhall be preferred before fuch Valuation made, the General Court may
 order the fame to be done in Manner aforefaid.

Proviso.

LII. *PROVIDED nevertheless,* that in every fuch Cafe the feveral Kinds
 of Buildings and Improvements fhall be fpecially mentioned, and that before fuch
 Valuation fhall be admitted to Record the Proprietor, or his or her Agent, or
 Attorney, fhall make Oath in Court that none of the faid Buildings, Works, or
 Improvements, have been before valued and recorded, in Order to the faving any
 of the faid Lands.

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LIII. *AND be it further enacted, by the Authority aforesaid,* that all and every the Cultivations and Improvements herein before particularly specified and expressed, which heretofore have been, or hereafter shall be, made upon any patented Lands within the Time in each Patent respectively limited, or before Petition shall be preferred for obtaining a Grant thereof, as lapsed, shall enure to the Benefit of the Person making the same, and shall be accounted a sufficient seating, planting, Cultivation, and Improvement, to save for ever from lapsing so much of every Tract respectively, in any Part thereof, and in Proportion to the Extent or Value of the several Cultivations and Improvements, as shall appear to have been made thereon in the Manner by this Act directed and declared; and that no Lands so saved shall, at any Time afterwards, be liable to be forfeited for not complying with the Condition of Cultivation and Improvement mentioned in the Grants thereof, but the Patentee, his Heirs, and Assigns, shall at all Times thereafter be at Liberty to withdraw his Stock, and to forbear working on such Lands, if he or they think fit.

Cultivations and Improvements once made, according to this Act, shall for ever after save Lands from lapsing.

LIV. *AND for preventing Controversies concerning the Bounds of Lands, Be it further enacted, by the Authority aforesaid,* that once in every four Years the Bounds of every Person's Land shall be processioned, or gone round, and the Land Marks renewed, in Manner following, that is to say: The Court of every County, at some Court between the first Day of *June* and the first Day of *September*, which shall be in the Year of our Lord one Thousand seven Hundred and fifty one, and so between the first Day of *June* and the first Day of *September*, in every fourth Year thereafter, by Order of Court, shall direct the Vestry of each Parish, within their County respectively, to divide their Parishes into so many Precincts as to them shall seem most convenient, for processioning every particular Person's Land in their respective Parishes, and to appoint the particular Times, between the last Day of *September* and the last Day of *March* then next coming, when such processioning shall be made in every Precinct, and also to appoint two or more intelligent honest Freeholders of every Precinct to see such processioning performed, and to take and return to the Vestry an Account of every Person's Land they shall procession, and of the Persons present at the same, and what Lands in their Precincts they shall fail to procession, and the particular Reasons of such Failure, a Copy of which Order shall be delivered by the Clerk of every Court respectively to the Church-Wardens of every Parish within his County, within fifteen Days after the making thereof, and the Church-Wardens shall cause a Vestry to be summoned, to meet within one Month after the Receipt of such Order, at which Vestry the same shall be exactly and punctually obeyed in every Particular, and thereupon Notice shall be given by the Church-Wardens, at their Parish Church, at least three *Sundays* next before the same is to be performed, of the Persons and Times so appointed by the Vestry for processioning in every several Precinct as aforesaid, and the Vestry shall also cause the Accounts returned by the Freeholders as aforesaid to be registered in particular Books to be kept for that Purpose by the Clerk of the Vestry; and to prevent Mistakes or Omissions in any such Register, the Church-Wardens shall examine the same in Presence of the Vestry, and compare the Register with the original Returns, at the next Vestry that shall be held after such Return made, from Time to Time, and shall certify the same under their Hands in every Register so by them examined and compared. And that no Person may pretend Ignorance, the Vestries are also to direct what Precinct or Precincts in their Parish respectively every particular Freeholder thereof shall attend and perform the processioning as aforesaid. And where any Parish shall lie in several Counties, the Order of each County Court shall be delivered as aforesaid to the Church-Wardens of such Parish, and shall also be obeyed by the Vestry in Manner before directed; and if any County Court shall, at any Time hereafter, fail to make such Order as aforesaid, every Justice of the Peace of such County shall forfeit and pay one Thousand Pounds of Tobacco; and if any Vestry shall fail to obey and execute such Order, every

Bounds of Lands to be processioned every fourth Year, beginning in 1751. Duty of County Courts.

Church-Wardens.

Vestries.

Penalties on Failure by the Court.

Vestry.

A. D. 1748.
Church-War-
dens.
Clerk of the
Court.
How to be re-
covered and ap-
propriated.

Penalty on
the Persons ap-
pointed to pro-
cession.
How recover-
able.

Member of fuch Vestry fhall forfeit and pay two Hundred Pounds of Tobacco; and every Church-Warden failing in his Duty by this Act required fhall forfeit and pay five Hundred Pounds of Tobacco; and if any County Court Clerk fhall fail in his Duty as aforefaid, he fhall forfeit and pay one Thousand Pounds of Tobacco; one Moiety of which feveral Forfeitures fhall be to our Sovereign Lord the King, his Heirs, and Succellours, for and towards the better Support of this Government and the contingent Charges thereof, and the other Moiety to the Informer; to be recovered, with Cofts, by Action of Debt or Information, in any Court of Record wherein fuch Forfeiture fhall be cognizable. And if any other Person, not having lawful Excufe, fhall fail to perform his Duty as is herein before required, every Person fo failing fhall forfeit and pay five Hundred Pounds of Tobacco; to be recovered, with Cofts, by the Church-Warden or Church-Wardens of the Parifh wherein fuch Failure fhall be, by Action of Debt or Information, in any County Court, and applied towards purchafing Ornaments for the Church of fuch Parifh.

But juft Cause
of Abfence, or
Disability, may
excufe.

LV. *PROVIDED* always, that in any Suit or Information brought againft a Juftice of Peace, Vestryman, or Church-Warden, for any Breach of this Act, where the Defendant fhall give fufficient Evidence to the Court where fuch Suit or Information fhall be depending that he was neceffarily abfent, or that being prefent he offered to do his Duty purfuant to this Act, in fuch Cafe the Suit or Information, as to fuch Defendant, fhall be difmiffed.

Bounds pro-
ceffioned three
Times fhall ne-
ver be altered.

Former Pro-
ceffions con-
firmed.

LVI. *AND* be it further enacted, by the Authority aforefaid, that all and every proceffioning the Bounds of any Person's Land, at three feveral Times heretofore made, according to the Directions of the Laws then in Force, or hereafter to be made, purfuant to this prefent Act, fhall be held, and is hereby declared to be, fufficient to fettle fuch Bounds, fo as the fame may never afterwards be altered; and that every proceffioning, made in Purfuance of the faid former Laws, in Manner thereby prefcribed, fhall be held, and is hereby declared, to be one of the three Times of proceffioning by this Act held to be fufficient.

LVII. *AND* for preventing the Inconvenience and Damage which may arife by any Persons refufing to fuffer their Lands to be proceffioned,

Rules in Con-
troverfies about
Bounds, where
Persons refufe to
fuffer their
Lands to be
proceffioned.

LVIII. *BE* it further enacted, by the Authority aforefaid, that when any Controverfy fhall hereafter happen between Persons, whose Lands lie contiguous, about their refpective Bounds, and the Owner or Owners of fuch Lands fhall refufe to fuffer the fame to be proceffioned, in fuch Cafe the Freeholders appointed as aforefaid fhall, within ten Days after fuch Refufal, certify the fame, under their Hands, to the Church-Wardens of the Parifh wherein fuch Lands fhall lie, who fhall return fuch Certificate to the Court from which the Order for proceffioning iffued, at their next Sitting: And fuch Court fhall thereupon order their Surveyor, with a Jury, to lay out the Bounds in Difpute, at the Charge of the Party againft whom the Right to fuch Bounds fhall be determined, and to return fuch Survey to the next Court after the fame fhall be made; which Return fhall be recorded, and a Copy thereof fent by the County Court Clerk, within fifteen Days after fuch Return, to the Church-Wardens of the Parifh where the Lands lie, and fhall be by them caufed to be registered in the Vestry Book of their Parifh.

Where the
Lands lie in two
or more Coun-
ties.

LIX. *AND* that if fuch Lands fhall happen to lie in two or more Counties, then Certificate as aforefaid fhall be returned to the Court of each of the faid Counties, and the Court of that County in which the Beginning of fuch controverted Bounds fhall lie fhall order their Surveyor, with a Jury of their County, to furvey the whole Bounds in Difpute, and the Sheriff of each County wherein the fame fhall lie to attend the Surveyor in their refpective Counties; and fuch Survey fhall be made, returned, recorded, and registered, in the Manner, and at

the Charge of the Party, aforefaid. And that all and every Survey and Surveys, A. D. 1748.
fo as aforefaid made and regiftered, fhall be held, deemed, and taken, to be a
fufficient proceffioning of fuch Lands, to all Intents and Purpofes, as if the fame
had been done by and with the Confent of the Owner thereof.

LX. AND that every Juftice of Peace, Church-Warden, County Court Penalties,
Clerk, or other Perfon, failing in his Duty, as herein before required, and not
having lawful Excufe, fhall be liable to forfeit and pay the refpective Penalties
herein before mentioned and laid on them, or any of them; to be recovered in
the Manner, and to the Ufes, aforefaid.

LXI. *PROVIDED* always, that the proceffioning and Settlement of the Heir in Re-
verfion or Re-
mainder may,
within 6 Years
after the Death
of Tenant for
Life, controvert
the Bounds,
Bounds of Lands, held by any Tenant for Life only, fhall not bar or conclude
the Heir in Reverfion or Remainder; but fuch Heir may, at any Time within
fix Years after the Death of fuch Tenant, controvert the Bounds, as if no pro-
ceffioning or Settlement had been made.

LXII. AND that the proceffioning and fettling the Bounds of Lands, be- And alfo Per-
fons under legal
Disabilities,
longing to any Perfon then being within the Age of one and twenty Years, *Feme*
Covert, non compos mentis, imprifoned, or not refident within this Colony, fhall
not be conclufive to fuch Perfon or Perfons, until fix Years after their refpective
Incapacities or Difabilities fhall be removed or determined.

LXIII. AND be it further enacted, by the Authority aforefaid, that if any Penalty for
unlawful hunt-
ing, fifhing, or
fowling.
Perfon or Perfons fhall at any Time fhoot, hunt, or range, upon the Lands or
Tenements, or fifh or fowl in any Creeks or Waters included within the Bounds
of any other Perfon or Perfons, without License firft obtained of the Owner of
fuch Lands, every fuch Offender fhall forfeit and pay twenty Shillings for every 20 s. for every
Offence, to the
Informer.
fuch Offence; to be recovered, with Cofts, before any Juftice of Peace of the
County where the Offence fhall be committed, by the Informer, to his own Ufe,
in which Information the Confeflion of the Party accused, or the Oath of one
credible Witnefs, fhall be fufficient Evidence. And where the Owner of the
Land fhall profecute for any unlawful fhooting, hunting, ranging, fifhing, or
fowling, within his Bounds, the Oath of fuch Owner fhall be fufficient Evidence
to convict the Offender; but in that Cafe the Penalty fhall be paid to the Church-
Wardens of the Parifh wherein the Offender refides, to the Ufe of their Parifh;
and, moreover, every fuch Offender fhall be liable to the Action of the Party Where the
Owner of the
Land profe-
cutes, his Oath
fhall convict the
Offender; but
the Penalty fhall
be to the Parifh.
The Offender
alfo liable to
Action at the
common Law.
grieved, at the common Law, for his or her Damages.

LXIV. AND that if any Perfon fhall be the third Time convicted of any Upon a third
Conviction, the
Offender, be-
fides paying the
Penalty, fhall
be bound to the
Behaviour, or
committed.
fuch Offence as aforefaid, the Juftice of Peace before whom fuch Conviction fhall
be, over and above giving Judgment for the aforefaid Forfeiture, fhall require
fuch Offender to enter into Recognizance, with one or more fufficient Sureties,
to our Sovereign Lord the King, his Heirs, and Succelfours, in the Penalty of
ten Pounds current Money, for his good Behaviour, during one whole Year from
thence next following; or, in Cafe of Refufal fo to do, fhall commit him to the
common Gaol, there to remain until he give fuch Security, or until the Expira-
tion of one Month. And if, after fuch Surety given, fuch Offender fhall be con-
victed of fhooting, hunting, ranging, fifhing, or fowling, unlawfully as aforefaid,
within the Time in his Recognizance limited, fuch Offence fhall be a Breach of
the good Behaviour; and the Penalty of his Recognizance fhall be forfeited to Conviction of
fuch Offence,
after Security
given, fhall be
a Breach of the
Behaviour.
the King, for the Ufe of the Parifh wherein fuch Conviction fhall be.

LXV. AND that whofoever fhall ufe any Firehunting, or the killing of any Every Perfon
prefent at any
Firehunting
forfeits 20 s.
See the Act
12 Geo. 2.
(1738) Cap. 1.
for preferving
the Breed of
Deer.
Deer by fuch Means, every Perfon prefent at fuch Firehunting fhall forfeit and
pay twenty Shillings for every fuch Offence to the Informer; to be recovered in
the like Manner, and upon fuch Evidence, and to the fame Ufe or Ufes, as the
before recited Offences of unlawful fhooting, hunting, ranging, fifhing, or fowl-

A. D. 1748.
If an Indian,
his Gun may
be seized.

ing, are directed to be recovered and applied. And if any *Indian* be found Fire-hunting as aforesaid, it shall be lawful for the Owner of the Land where he shall be so found, or his or her Overseer, to seize and take away the Gun of such *Indian*, and the same to keep to his own Use.

Repealing
Clause.

LXVI. *AND be it further enacted, by the Authority aforesaid, that all and every other Act and Acts, Clause and Clauses, heretofore made, for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.*

This Act suf-
suspended until
approved by his
Majesty.

LXVII. *PROVIDED always, that the Execution of this Act shall be suspended until his Majesty's Approbation thereof first had and obtained.*

CHAP. II.

His Majesty
gave his Assent
to this Act
31 Oct. 1751.

An Act for the better Management and Security of Orphans and their Estates.

Fathers may
by Deed, or
Will, dispose
of the Custody
and Tuition of
their unmarried
Infant Chil-
dren.

I. *BE it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that where any Person hath, or shall have, any Child or Children, under the Age of twenty one Years, and not married, at the Time of his Death, it shall and may be lawful to and for the Father of such Child or Children, whether born at the Time of the Decease of the Father or then an Infant or Infants in the Womb, or whether such Father be within the Age of one and twenty Years, or of full Age, by his Deed executed in his Lifetime, or by his last Will and Testament in Writing, in the Presence of two or more credible Witnesses, in such Manner, and from Time to Time, as he shall think fit, to dispose of the Custody and Tuition of such Child or Children for and during such Time as he, she, or they, shall remain under the Age of one and twenty Years, or for any lesser Time, to any Person or Persons, in Possession or Remainder, other than Popish Recusants; and every such Disposition heretofore made, or hereafter to be made, shall be good and effectual against all and every Person and Persons claiming the Custody or Tuition of such Child or Children, as Guardian in Socage, or otherwise; and the Person or Persons to whom such Custody and Tuition hath been, or shall be, so disposed or devised, shall and may maintain an Action of Ravishment of Ward, or Trespass, against any Person or Persons who shall wrongfully take away or detain such Child or Children, for the Recovery of such Child or Children, and shall and may recover Damages for the same, in the said Action, for the Use and Benefit of such Child or Children.*

Such Guar-
dian shall have
Custody of the
Infant's Estate.

II. *AND that every Person and Persons to whom such Custody and Tuition hath been, or shall be, so disposed or devised as aforesaid, shall and may take into his or their Custody, to the Use of such Child or Children, the Profits of all Lands, Tenements, and Hereditaments, and also the Slaves, Goods, Chattels, and personal Estate, of such Child or Children, till their respective Age of one and twenty Years, or any lesser Time, according to such Disposition aforesaid, and may bring such Action or Actions, in Relation thereunto, as by Law a Guardian in common Socage might do.*

But may not
discharge an
Apprentice, nor
abridge Power
of Court.

III. *PROVIDED always, that nothing herein before contained shall extend to discharge any Apprentice from his Apprenticeship, nor to take away the Power of the General Court, or County Court, upon Complaint to them made of such Guardian abusing the Trust reposed in him, by misusing the Child or Children under his Tuition, or neglecting the Care of their Education suitable to their Estate, or wasting, converting to his own Use, or otherways mismanaging,*

such Estate, to make and establish, from Time to Time, such Rules, Orders, and Decrees, for securing the Estate, and for the better Education and Usage of such Orphans, as they in their Discretion shall judge meet and necessary. A. D. 1748.

IV. *AND be it further enacted, by the Authority aforesaid,* that the General Court, and the several County Courts, of this Dominion, within their respective Jurisdictions, have, and shall have, full Power and Authority, from Time to Time, to take Cognizance of all Matters concerning Orphans and their Estates, and to appoint Guardians in such Cases where to them it shall appear necessary, and shall take good Security of all Guardians by them appointed for the Estates of the Orphans to them respectively committed. And if any County Court shall commit an Orphan's Estate to the Charge or Guardianship of any Person or Persons without taking good and sufficient Security for the same, in such Case the Justices appointing such Guardian, or committing such Estate, and every of them, shall be liable for all Loss and Damage sustained by the Orphan for Want of such Security; to be recovered, with Costs, by Action at the common Law, in any Court of Record, at the Suit of the Party grieved.

Jurisdiction of the General Courts, and County Courts, concerning Orphans and Guardians.

Courts shall take Security of Guardians by them appointed.

County Court failing to do so, the Justices liable for Damages.

V. *PROVIDED always,* that where the Securities were good at the Time of their being so accepted and taken, but afterwards become insolvent, in such Case the Justices shall not be liable.

Where not liable.

VI. *AND be it further enacted, by the Authority aforesaid,* that wherever a Guardian shall be appointed to any Orphan, by the General Court, or by any County Court, such Guardian shall, at the next Court after his Appointment, exhibit his Account, upon Oath, of all the Estate of such Orphan which he shall have received into his Hands; and every Guardian heretofore, or hereafter to be, by such Court appointed, shall once every Year exhibit his Account, and State of the Profits and other Incomes of the Estate of such Orphan, upon his Oath, and such Accounts so to be exhibited shall be entered by the Clerk in a Book to be provided and kept for that Purpose only. And when the said Courts shall respectively know, or be informed, that any Guardian or Guardians by them respectively appointed do waste or convert the Money or Estate of any Orphan to his or their own Use, or do in any Manner mismanage the same, or do not take due Care of the educating and maintaining of any Orphan, according to his Degree and Circumstances, or where such Guardian, or his Securities, are likely to become insolvent, such Court shall have Power, from Time to Time, to make and establish such Orders and Rules, for the better ordering, managing, and securing, such Estate, and for the better educating and maintaining such Orphans, or to appoint another Guardian, as they in their Discretion shall think most fit and expedient.

Duty of Guardians appointed by the Court.

Their Accounts to be entered by the Clerk.

Power of Courts relating to Guardians Breach of Trust.

Or becoming insolvent.

VII. *AND* that every Person heretofore appointed, or hereafter to be appointed, Guardian to any Orphan, by any County Court, shall, at the Court held for that County in the Month of *August*, in every Year (or, if no Court be then held, at the next succeeding Court held for that County) exhibit such Account as aforesaid; and the Justices of every County Court shall yearly, at the same Court, examine into all Accounts of Guardians so to be exhibited to them, and shall direct Process to issue, returnable to their next Court, against all Guardians who shall then fail to appear and render such Account, whether such Guardian be resident in the same or in any other County, and shall then also inquire into the Abuses and Mismanagements of Guardians, and whether they or their Securities are likely to become insolvent, and thereupon to proceed according to the Power in this Act before given them: And the Justices of every County Court who shall fail or neglect to do their Duty herein shall forfeit and pay the Sum of five Thousand Pounds of Tobacco, one Half to our Sovereign Lord the King, his Heirs, and Successors, to and for the Use of the County, and the other Half to the In-

Guardians shall render annual Accounts.

To be examined by the Justices.

Process against Guardian failing.

Penalty on Justices failing.

A. D. 1748. former; to be recovered, by Action of Debt or Information, in any Court of Record in this Colony.

Court may, at any Time, inquire into the Conduct of Guardians.

VIII. *PROVIDED* always, that nothing herein before contained shall be construed to abridge or restrain the Power of the several County Courts to inquire, as often as they shall think proper, into the Abuses and Mismanagements of Guardians; but that it shall be lawful for them to exercise such Power, at any Time or Times, when to them it shall appear necessary, any Thing in this Act to the contrary, or seeming to the contrary, notwithstanding.

What Guardians may charge in their Accounts.

IX. *AND* be it further enacted, by the Authority aforesaid, that it shall be lawful for every Guardian to charge in his Account all reasonable Disbursements and Expenses; and if upon rendering such Account it shall appear to the Court that such Guardian hath really and *bonâ fide* disbursed more in any one Year than the Profits of the Orphan's Estate do amount unto, for the Education and Maintenance of the Orphan, such Guardian shall be allowed and paid for the same out of the Profits of such Orphan's Estate, in any other Year during his or her Guardianship.

Disbursements must be suitable to the Orphan's Degree and Estate.

Provision for poor Orphans.

X. *PROVIDED* always, that such Disbursements be, in the Opinion of the Court, suitable to the Degree and Circumstances of the Estate of such Orphan; and that where such Estate shall be of so small Value that no Person will educate and maintain him or her for the Profits thereof, such Orphan shall, by Direction of the Court, be bound Apprentice, every Male to some Tradesman, Merchant, Mariner, or other Person approved by the Court, until he shall attain the Age of one and twenty Years, and every Female to some suitable Trade or Employment, till her Age of eighteen Years. And the Master or Mistress of every such Servant shall find and provide for him or her Diet, Clothes, Lodging, and Accommodations, fit and necessary; and shall teach, or cause him or her to be taught, to read and write; and at the Expiration of his or her Apprenticeship shall pay every such Servant the like Allowance as is by Law appointed for Servants by Indenture or Custom, and on Refusal shall be compellable thereto in like Manner. And if upon Complaint made to the County Court it shall appear that any such Apprentice is ill used, or not taught the Trade or Profession to which he or she was bound, it shall be lawful for such Court to remove and bind him or her to such other Person or Persons as they shall think fit.

How Securities for an insolvent Guardian may be relieved.

XI. *AND* be it further enacted, by the Authority aforesaid, that where any Person who now is, or hereafter shall be, Security for the Estate of any Orphan, shall afterwards conceive himself in Danger by Reason thereof, and petition the Court where such Security was entered into for Relief, it shall be lawful for such Court, upon such Petition to them exhibited, forthwith to order Summons to issue against the Party or Parties with and for whom the Petitioner stands bound, returnable to the next Court, and thereupon to compel such Party or Parties to give sufficient other or counter Security, to be approved by the said Court, or to deliver up the Estate to the Petitioner, or such other Person as the Court shall direct; or they may, and are hereby empowered to make such other Order or Decree therein, for Relief of the Petitioner, and better securing such Orphan's Estate, as to them shall appear just and equitable.

Proviso.

XII. *PROVIDED* always, that such Court shall take good and sufficient Security of the Person or Persons to whom such Estate shall be so committed, in the like Manner, and under the like Penalty, as is by this Act required to be taken of Guardians appointed by the Court; and every such Person shall also exhibit his Account, and be subject to the Rules and Orders of the Court, in the same Manner, to all Intents and Purposes, as is herein before required of Guardians, or they are made subject unto.

XIII. *AND be it further enacted, by the Authority aforesaid, that when any Guardian, or Person chargeable with the Estate of any Orphan, or with the Estate of a Person deceased, to him committed by any Court of Record in this Colony, shall die so chargeable, the Executors and Administrators of such Person so dying shall be compellable to pay and satisfy, out of the Estate of their Testator or Intestate, so much as shall appear due to the Estate of such Orphan or Person deceased, before any other or proper Debt whatsoever of such Testator or Intestate; any Law, Custom, or Usage, to the contrary thereof, in any Wise notwithstanding.*

A. D. 1748.

Where a Guardian dies, the Orphan's Estate shall be secured before any other Debt.

XIV. *AND be it further enacted, by the Authority aforesaid, that all and every other Act and Acts, Clause and Clauses, heretofore made for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.*

Repealing Clause.

XV. *AND be it further enacted, by the Authority aforesaid, that this Act shall commence, and be in Force, from and immediately after the tenth Day of June, which shall be in the Year of our Lord one Thousand seven Hundred and fifty one.*

Commencement of this Act.

CHAP III.

An Act directing the Manner of granting Probats of Wills, and Administration of Intestates Estates. (a)

His Majesty gave his Assent to this Act October 31, 1751.

I. *BE it enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that the County Courts of this Dominion, and every of them, within their respective Counties, have and shall have Jurisdiction and Authority to hear and determine all Causes, Matters, Suits, and Controversies testamentary, which shall be brought before them, and to examine and take the Proofs of Wills, and to hear and determine the Right of Administration of the Estates of Persons dying intestate, and to grant Certificates thereof to the Governour or Commander in Chief of this Dominion for the Time being, or to his Deputy or Deputies appointed for that Purpose, being a Member or Members of the said Courts respectively, for obtaining thereupon a Probat or Administration with the Will annexed, or a Commission of Administration, as the Case shall require, according to the Methods and Rules herein after directed, that is to say: If any Person having a Mansion-House, or other Place of known Residence and Abode, within this Dominion, shall depart this Life, and dispose of his or her Estate, or any Part thereof, by Will, such Will shall be proved in the Court of that County where such Mansion-House or Place of Residence shall be; and if any Person having no Mansion-House, or Place of Residence, within this Colony, shall devise Lands therein by Will, in Writing, such Will shall be proved in the Court of that County wherein such Lands shall lie; and if such Lands lie in several Counties, and the Testator dies in any one of them, his Will shall be proved in that County where he died; and if he dies in some other County, then in the Court of one of the Counties wherein such devised Lands shall lie, and not in any other County; and every such Will so proved as aforesaid shall be as effectual for the disposing of Lands, or any other Estate, as if the same had been proved in every County where any of the Lands or Estate shall be.*

County Courts may take Proof of Wills, and grant Administrations.

Rules for Probats of Wills.

II. *AND where any Person shall depart this Life, having first made a Will, and therein appointed his Executor or Executors, and they shall all of them refuse*

Where Executors refuse, Administration

(a) See 4. Ann. (1705) Cap. 7. for the Distribution of Intestates Estates.

1. Geo. 2. (1727) Cap. 4. how Widows are to proceed who refuse to stand to the Wills of their deceased Husbands.

A. D. 1748.
with the Will
annexed shall
be committed.

the Executorship, in such Case the same Court wherein the Will should have been proved, if the Executors had accepted the Trust, shall have Power and Authority to hear and determine the Right of Administration, and to grant Certificate for obtaining Letters of Administration with the Will annexed.

When Wills
may be proved
in Court.

III. WHEN any Will shall be exhibited to be proved in the General Court, or in any County Court, such Court may proceed immediately to receive the Proof thereof, and appoint Appraisers to value the Slaves and personal Estate of the Testator.

Where the
Heir at Law
may contest the
Will.

Rules in Case
of several Heirs.
Or where no
Heir is known.

Infants, &c.
may contest a
Will within 10
Years after
Disabilities re-
moved.

IV. BUT where by any Will the Lands of the Testator, or any Part thereof, shall be devised away from the Heir or Heirs at Law, such Proof, as to him, her, or them, shall not be binding; but the Court shall cause such Heir or Heirs to be summoned to appear at the next Court, and to contest the Validity of such Will, if he, she, or they, think fit; and if there be several Heirs, in equal Degree to the Testator, every such Heir shall be so summoned; and if no Heir be known to the Court, or to the Executors, who shall declare the same upon Oath, before such Court, then Proclamation of such Will, being exhibited and proved, shall be made by the Sheriff at the Court-House, on two successive Court Days, and he shall also publish Notice thereof in Writing, affixed at the Door of every Church in his County: And all Persons concerned in Interest, who at the Time of proving any Will shall be under the Age of one and twenty Years, *Feme Covert*, *non compos mentis*, imprisoned, or out of this Colony, shall have Liberty to contest the Proof thereof within ten Years after their several Disabilities and Incapacities removed, and not afterwards.

Rules in Cases
of Administra-
tion.

V. AND if any Person having a Mansion-House, or other known Place of Residence, within this Dominion, shall die intestate, the Court of that County wherein such Mansion-House or Place of Residence is shall hear and determine the Right of Administration of the Estate of such Intestate, and grant Certificate thereof in Manner aforesaid.

VI. WHERE the Intestate had no Mansion-House, or known Place of Abode in this Colony, Certificate for obtaining Administration shall be granted by the Court of the County wherein he died. If an Executor or Administrator dies intestate, not having fully administered the Estate of his Testator or Intestate, the same Court by whom Certificate for Probat or Administration was granted to such Executor or Administrator shall determine the Right of Administration of the Estate not administered, and grant Certificate thereof.

Devise of
Lands or Tene-
ments must be in
Writing.
How to be
attested.

VII. *AND be it further enacted, by the Authority aforesaid,* that all Devises and Bequests of any Lands or Tenements shall be in Writing, and signed by the Party devising the same, or by some other Person in his Presence, and by his express Direction, and shall be attested and subscribed in the Presence of the said Devisor by two or more credible Witnesses, or shall be wholly writ by the said Devisor's own Hand, or else they shall be void and of no Effect.

Such Devises
shall remain
valid unless re-
voked in Writ-
ing, or cancel-
led, by the
Devisor.

VIII. AND that no Devise, in Writing, of Lands, Tenements, or Hereditaments, or any Clause thereof, shall at any Time afterwards be revocable, otherwise than by some other Will, or Codicil, in Writing, or other Writing declaring the same, or by burning, cancelling, tearing, or obliterating the same, by the Testator himself, or in his Presence, and by his Directions and Consent; but all Devises and Bequests of Lands or Tenements shall remain and continue in Force until the same be burnt, cancelled, torn, or obliterated, by the Testator himself, or by his Directions in Manner aforesaid, or unless the same be altered by some other Will, or Codicil, in Writing, or other Writing of the Devisor, signed in the Presence of two or more Witnesses, declaring the same; any Law, or Usage, to the contrary notwithstanding.

A. D. 1748.

Rules concerning nuncupative Wills.

IX. AND for Prevention of fraudulent Practices, by setting up nuncupative Wills, *Be it further enacted, by the Authority aforesaid*, that no nuncupative Will shall be good, where the Estate thereby bequeathed shall exceed the Value of ten Pounds current Money, that is not proved by the Oaths of two or more Witnesses present at the making thereof; or unless it be proved that the Testator, at the Time of pronouncing the same, did bid the Persons present, or some of them, bear Witness that such was his Will, or to that Effect; nor unless such nuncupative Will were made in the Time of the last Sickness of the Deceased, and in the House of his or her Habitation or Dwelling, or where he or she hath been resident for the Space of ten Days, or more, next before the making of such Will, except where such Person was surprised or taken sick, being from his or her own Home, and died before he or she returned to the Place of his Dwelling.

X. *AND be it further enacted, by the Authority aforesaid*, that after six Months passed, after the speaking of the pretended testamentary Words, no Testimony shall be received to prove any Will nuncupative, except the said Testimony, or the Substance thereof, were committed to Writing, within six Days after the making such Will.

Where they shall not be of Force.

XI. AND that no Certificate for granting Probat of any nuncupative Will, or for Administration of the Estate by such Will given or bequeathed, shall be granted by any Court til fourteen Days at the least after the Decease of the Testator shall be expired; nor shall any nuncupative Will, at any Time, be admitted to be proved unless Summons have first issued to call in the Widow, or next of Kindred to the Deceased, to the End they may contest the same if they please.

Nor any Probat or Administration granted thereon.

The Widow, or next of Kin, shall be first summoned.

XII. *AND be it further enacted, by the Authority aforesaid*, that no Will in Writing, concerning any Goods, Chattels, or personal Estate, shall be repealed; nor shall any Clause, Devise, or Bequest therein, be altered or changed, by any Words, or Will, by Word of Mouth only, except the same be in the Life of the Testator committed to Writing, and after the Writing thereof read unto the Testator, and allowed by him, and proved to be so done by two or more Witnesses.

Written Legacies of personal Estate not revocable except in Writing.

XIII. *PROVIDED always*, that any Soldier being in actual military Service, or any Mariner or Seaman, being at Sea, may dispose of his Moveables, Wages, and personal Estate, as he or they might have done before the making of this Act.

Soldiers, or Mariners, excepted.

XIV. *AND be it further enacted, by the Authority aforesaid*, that Administration of the Estate of every Person dying intestate, and Administration with the Will annexed of the Estate of every Testator, whose Executor, or Executors, shall refuse to prove and execute his Will, shall be granted in Manner following, that is to say: First, to the Husband or Wife of the Deceased; and if none such, or if they refuse, then, secondly, to the Child or Children, or their legal Representatives; and if none such appear or claim, then, thirdly, to the Father or Mother; or if none such, then, fourthly, to the Brothers and Sisters; and if none such, then to the next of Kindred to the deceased Person. And if no Will shall be exhibited, or Administration sued forth, before or at the next Court held after Expiration of thirty Days from any Person's Death, the Court may grant Administration to any Creditor or Creditors of the Deceased suing for the same, or to any other Person the Court in their Discretion shall think fit.

Rules in granting Administrations.

Where Creditors may be admitted.

XV. *PROVIDED always*, that where it shall appear to the Court, either of their own Knowledge or upon Application to them made by Creditors or

Method to prevent Waste, or Embezzlement.

A. D. 1748.

Legatees, that any Estate is likely to be wasted or embezzled, such Court may and are hereby authorized and required to proceed immediately to grant Certificate for obtaining Administration thereof.

Wills may be proved after Administration granted.

Court may compel any Person to produce the Will of a Person deceased.

XVI. *PROVIDED* also, that if any Will shall be afterwards exhibited to be proved, or any of the deceased Person's Kindred, not having before refused, shall appear and pray Certificate for obtaining Probat or Administration, the same shall be granted in like Manner as if no former Administration had been granted or obtained. Nor shall any Thing herein before mentioned be construed to disable any Court from summoning any Person or Persons whatsoever, having the Will of a Person deceased in his, her, or their Custody or Possession, to exhibit the same to the Court, in Order to a legal Probation thereof; but the Court may compel such Person or Persons, by Summons, or other lawful Process, as they shall think fit, to produce such Will, that the just and legal Proceedings may be had thereupon.

Executors and Administrators shall be sworn.

XVII. *AND* be it further enacted, by the Authority aforesaid, that before granting Certificate for Probat or Administration, to any Person or Persons whatsoever, he, she, or they, shall personally, in open Court, take one of the following Oaths, as the Case shall require, to wit:

The Oath of an Executor, or Administrator, with the Will annexed.

Executor's Oath.

YOU shall swear that this Writing contains the true last Will of the within named A. B. deceased, as far as you know or believe, and that you will well and truly perform the same, by paying, first, his Debts, and then the Legacies contained in the said Will, as far as his Goods, Chattels, and Credits, will thereunto extend, and the Law charge you; and that you will make a true and perfect Inventory of all the said Goods, Chattels, and Credits.

So help you God.

The Oath of an Administrator.

Administrator's Oath.

YOU shall swear that A. B. deceased died without any Will, as far as you know or believe, and that you will well and truly administer all and singular the Goods, Chattels, and Credits, of the said Deceased, and pay his Debts, as far as his Goods, Chattels, and Credits, will thereunto extend, and the Law require you; and that you will make a true and perfect Inventory of all the said Goods, Chattels, and Credits, as also a just Account, when thereunto required.

So help you God.

And give Bond and Security.

And shall also give Bond, in a sufficient Sum, proportionable to the full Value of the Estate, at the least, and with such sufficient Security of Persons residing in the same, or any other County, as by the Court shall be approved of, and with one of the Conditions following, to wit:

Condition of the Bond to be given by Executors, or Administrators, with the Will annexed.

Executor's Bond.

THE Condition of this Obligation is that if the above bound A. B. Executor of the last Will and Testament of C. D. deceased (or Administrator with the Will annexed of all the Goods, Chattels, and Credits, of C. D. deceased) do make, or cause to be made, a true and perfect Inventory of all and singular the Goods, Chattels, and Credits, of the said Deceased, which have or shall come to the Hands, Possession, or Knowledge, of him the said A. B. or into the Hands or Possession of any other Person or Persons for him, and the same so made do exhibit, or cause to be exhibited, into the County Court of N. at such Time as he shall be thereto required by the said Court, and the same Goods, Chattels, and Credits, and all other the

Goods, Chattels, and Credits, of the said Deceased, at the Time of his Death, which at any Time after shall come to the Hands or Possession of the said A. B. or into the Hands or Possession of any other Person or Persons for him, do well and truly administer, according to Law, and further, do make a just and true Account of his Actings and Doings therein, when thereto required by the said Court, and also do well and truly pay and deliver all the Legacies contained and specified in the said Testament, as far as the said Goods, Chattels, and Credits, will thereunto extend, according to the Value thereof, and as the Law shall charge him, then this Obligation to be void, otherwise to remain in full Force and Virtue. A. D. 1748.

Condition of an Administration Bond.

THAT if the above bound A. B. Administrator of all the Goods, Chattels, and Credits, of C. D. deceased, do make, &c. [as before unto the Words when thereto required by the said Court] and all the rest and Residue of the said Goods, Chattels, and Credits, which shall be found remaining upon the said Administrator's Account, the same being first examined and allowed by the Justices of the said Court for the Time being, shall deliver and pay unto such Person or Persons respectively as the said Justices, by their Order or Judgment, shall direct, pursuant to the Laws in that Case made and provided, and if it shall hereafter appear that any last Will and Testament was made by the said Deceased, and the Executor or Executors therein named do exhibit the same in the said Court, making Request to have it allowed and approved accordingly, if the said A. B. being thereto required, do render and deliver up his Letters of Administration, Approbation of such Testament being first had and made in the said Court, then this Obligation to be void, &c. Administra-
tor's.

Which Bond shall be payable to the Justices of the Court sitting at the Time the same shall be entered into and taken, and their Successors, and shall not become void upon the first Recovery, but may be put in Suit, and prosecuted, from Time to Time, by and at the Costs and Charges in the Law of any Party or Parties injured, until the whole Sum of the Penalty expressed in such Bond shall be recovered thereon. The whole
Penalty reco-
verable there-
on.

XVIII. *AND be it further enacted, by the Authority aforesaid, that if any Court shall grant Certificate for obtaining Administration of the Estate of any Person deceased, without taking good Security for the same, as by this Act required, the Justices granting such Certificate, and every of them, shall be answerable for all Loss and Damage accruing for Want of such Security, recoverable by Action at the common Law, by any Person or Persons injured.* Where no
Security shall
be taken, the
Justices liable.

XIX. *PROVIDED nevertheless, that if the Securities taken by the Court were good at the Time of their being so accepted and taken, but afterwards become insolvent, in such Case the Justices shall not be answerable; and that where any Person shall be Security for any Decedent's Estate, or for the Estate of any Orphan, and shall conceive himself in Danger by Reason thereof, and petition the Court for Relief, it shall be lawful for the said Court to summon the Party with and for whom the Petitioner stands bound, and to make such Order or Decree thereupon as to them shall seem just and equitable, for Relief and indemnifying of such Petitioner, by counter Security, or otherwise.* But where
good Securities
afterwards be-
come insolvent,
the Justices dis-
charged.
How Securi-
ties may be in-
demnified.

XX. *PROVIDED also, that where any Testator shall leave visible Estate, more than sufficient to pay all his Debts, and by his Will shall direct that his Executor or Executors shall not be obliged to give Security, in such Case no Security shall be required of him, her, or them; but where the Court shall see Cause, either upon their own Knowledge or the Suggestions of Creditors or Legatees, to suspect any Executor or Executors of Fraud, or that the Testator's personal Estate will not be sufficient to discharge all his Debts, in such or the like Cases the Court may, if they think fit, require such Executor or Executors to* In what
Cases Security
not required.

A. D. 1748.

Executors
Refusal to give
Security, a
Refusal of the
Executorship.

give Security, notwithstanding their Testator's Directions to the contrary: And if he, she, or they, shall refuse or fail to give Security, when ruled thereto by the Court, such Refusal or Failure shall amount to a Refusal of the Executorship, and Administration with the Will annexed shall be committed in the Manner by this Act before directed.

Executors
may take their
Testator's
Estate until
Probat or Ad-
ministration
granted.

XXI. *PROVIDED* also, that nothing herein before contained shall be construed to abridge or restrain the Power of Executors over their Testators Estates, until Probat of the Will; or Administration with the Will annexed, be obtained or granted; but they may possess themselves thereof, and till then execute their Trust, as fully and amply as if this Act had never been made.

Rules in Pro-
bats and Ad-
ministrations.

XXII. *AND* be it further enacted, by the Authority aforesaid, that all Probats of Wills, Commissions of Administration, or of Administration with the Will annexed, issued upon Certificates granted according to this Act, and signed by the Governour, or Commander in Chief of this Dominion for the Time being, with the publick Seal of this Colony affixed thereto, or signed by such other Person or Persons, being one or more of the Magistrates in Commission of the Peace, as shall be thereto authorized by the said Governour or Commander in Chief, and sealed with the Seal of the Court granting Certificate (which Seal every County Court is hereby empowered to provide, at the Charge of their County) shall be, and are hereby declared to be, good and effectual in Law to empower and enable the Executors and Administrators therein named, and every of them, to possess themselves of the Estates of their Testators or Intestates, by any Lawful Ways or Means whatsoever.

XXIII. *AND* to the End the Value of Estates may be the better known, and a just Account thereof kept:

Inventory to
be returned.

XXIV. *BE* it further enacted, by the Authority aforesaid, that all Executors and Administrators shall exhibit a true and perfect Inventory of all the Estate to him, her, or them, committed, to the Court granting the Probat or Administration.

And the Es-
tate appraised.

Appraiser's
Fee.

How far Ap-
praisements
shall be bind-
ing.

XXV. *AND* that every Court granting Probat or Administration shall then also appoint and nominate three or more Appraisers in every County where any of the Testator's or Intestate's Slaves, Goods, or Chattels, shall be; who, being sworn before any one Justice of their County truly and justly to value the Estate to them produced, to the best of their Judgment, shall accordingly appraise the same, and return such Appraisement, under their Hands, to the Court ordering the same. And every Appraiser shall be paid thirty Pounds of Tobacco *per* Day for his Trouble and Attendance, to be defrayed by the Estate, and allowed to the Executor or Administrator upon passing his Account; and such Appraisement may be given in Evidence, in any Action or Suit brought against the Executor or Administrator, to prove the Value of the Estate, but shall not be binding, either upon the Executor, Administrator, Creditor, or other Person whatsoever, where it shall appear, by any other legal Proof, that the Slaves, Goods, or Chattels, were really worth, or *bonâ fide* sold for more or less than the Appraisement.

Duty of Exe-
cutors and Ad-
ministrators in
selling perish-
able Goods
specifick Lega-
cies excepted.

XXVI. *AND* be it further enacted, by the Authority aforesaid, that all Executors and Administrators, as soon as conveniently the same may be done, after the Debts of their Testator or Intestate shall be fully satisfied and paid, shall sell and dispose of all such Goods and Chattels of their Testator or Intestate, specifick Legacies excepted, as are or may be liable to perish, consume, or be the worse for using or keeping, for the most that can be got for the same, in Money, by publick Sale or Auction; and shall and may, for the enhancing the Price thereof, give Credit, upon good Security, for what Time such Executor

or Administrator shall think fit, having Regard to the Circumstances of the Estate, and the Time when the Legacies will become due, or Distribution of such Estate is to be made. And when such Goods and Chattels shall be so *bonâ fide* sold, the Executor or Administrator shall be answerable for the Value of such Sale, and no more. And in Case any Executor or Administrator shall sell Goods of his Testator or Intestate, to be paid for at a future Day, the Buyer shall enter into Bond to such Executor or Administrator, with one or more Sureties, or shall give some other sufficient Security, for Payment of the Money accordingly; and the Executor or Administrator, after the Time of such Payment is past, shall take and pursue all lawful Ways and Means to recover and receive the Money, upon Pain of being answerable for the same himself. And if the same shall not be received before the Legatees, or other Persons entitled to a Distribution thereof, shall have Right to demand the same, it shall be lawful for the Executor or Administrator to assign such Bond, or other Security, to such Legatee or other Person as aforesaid; and such Assignment shall discharge such Executor or Administrator, for so much, against him or them.

A. D. 1748.

XXVII. *PROVIDED* nevertheless, that if after such Assignment the Obligor or Obligors in such Bond become insolvent, so as the Money for which such Bond or other Security was given be lost, such Loss shall be made good to the Assignee out of the Estate of such Testator or Intestate.

Provido.

XXVIII. *PROVIDED* also, that where any Testator shall direct that his Estate shall not be appraised, or shall be preserved in Specie, and not sold, and shall leave personal Estate more than sufficient to pay all his Debts, nothing in this Act shall extend, or be construed, to controul such last Will, but the same shall and may be pursued and fulfilled; and the returning an Inventory of the Estate of such Testator, without Appraisement, shall be sufficient.

Where no Appraisement shall be necessary,

and an Inventory sufficient.

XXIX. *PROVIDED* also, that no Executor or Administrator hath, or shall have, any Power to sell or dispose of any Slave or Slaves of his Testator or Intestate, except for the paying and satisfying the just Debts of such Testator or Intestate, and then only where there is not sufficient other personal Estate to satisfy and pay such Debts; and in that Case it shall be lawful for the Executor or Administrator to sell, at publick Auction, such or so many Slave or Slaves as shall be sufficient to raise so much Money as the personal Estate falls short of the Payment of the Debts.

Slaves shall not be sold, except where not enough other Goods to pay Debts.

XXX. *AND* be it further enacted, by the Authority aforesaid, that where any Person shall die between the first Day of March and the twenty fifth Day of December, the Servants and Slaves which such Person was possessed of at the Time of his or her Death shall be continued and employed upon the Plantation and Plantations held and occupied by the deceased Person, until the twenty fifth Day of December then next following, for the making and finishing a Crop of Tobacco, Corn, or other Grain; which Crop, so made and finished, shall be Assets in the Hands of the Executors or Administrators, after the Charges of clothing and feeding such Servants and Slaves, and the Expence of Tools and Utensils for them to work with, and also the Quit-rents of the Land whereon they work, Levies, and other incident Charges, shall be deducted.

Rules concerning Servants, Slaves, and Crops.

XXXI. *AND* after the said twenty fifth Day of December all the Servants and Slaves of such deceased Person shall be delivered up, to the Party or Parties having legal Right to demand the same; and all such of the said Servants or Slaves as shall then be of the Age of ten Years or more shall be delivered, well clothed, at the Charge of such Decedent's Estate,

Servants and Slaves to be delivered up after Dec. 25th. All above 10 Years well clothed.

A. D. 1748.

If dead before that Time, Executor not answerable.

XXXII. *PROVIDED* always, that no Executor or Administrator shall be answerable for any Servant or Slave dying before the said twenty fifth Day of *December*, although such Servant or Slave be inventoried or appraised.

Wills to remain in the Clerk's Office.

XXXIII. AND for the better Preservation of Wills, *Be it further enacted, by the Authority aforesaid*, that all original Wills shall remain in the Clerk's Office, among the Records of the respective Counties where they shall be proved, whereto any Person may have Recourse, as to other Records, except for the Time the same shall be removed by Direction of the General Court, and that to every Probat shall be annexed a true Copy of the Will whereupon such Probat was granted.

Cattle shall be preserved till the Heir comes of Age.

XXXIV. AND forasmuch as the preserving of neat Cattle, and their Increase, may be of great Advantage to Orphans, for the improving their Lands: *Be it further enacted, by the Authority aforesaid*, that where any Person dying intestate shall leave sufficient to satisfy his Debts, besides Slaves and neat Cattle, the Heir at Law being under Age, such Cattle shall be kept upon the Lands and Plantation of such Heir until he shall come of Age, and he shall have the Benefit of their Increase, and bear all Loss, if any shall happen.

But if too numerous, Part may be sold.

And the Heir shall be answerable to the other Children.

XXXV. *PROVIDED nevertheless*, that the Administrator of such Estate, or Guardian of such Orphan, in Case such Stock grow too numerous, or if it will be to the Advantage of such Orphan, shall and may sell such Part of such Stock as he shall think fit; and also that such Heir at Law shall satisfy and pay unto the other Children, or such other Persons as shall be entitled to a Distribution of such Intestate's Estate, his, her, or their, proportionable Part or Parts of the Value of such Stocks of Cattle as shall be left at the Time of the Death of such Intestate.

Executors, &c. in their own Wrong, answerable to Executors, &c. of Right.

XXXVI. *AND be it further enacted, by the Authority aforesaid*, that all and every the Executors and Administrators of any Person or Persons who, as Executor or Executors, in his or their own Wrong, and the Executor or Executors, Administrator or Administrators, of any Executor or Administrator of Right, who shall waste, or convert to his own Use, Goods, Chattels, or Estate, of his Testator or Intestate, shall be liable and chargeable in the same Manner as his or their Testator or Intestate should or might have been.

Executors of Guardians, joint Tenants, &c. accountable for receiving more than their Share.

XXXVII. AND that Actions of Account shall and may be brought and maintained against the Executors or Administrators of every Guardian, Bailiff, and Receiver, and also by one joint Tenant, or Tenant in common, his Executors or Administrators, against the other, as Bailiff, for receiving more than comes to his just Share or Proportion, and against the Executor or Administrator of such joint Tenant, or Tenant in common.

Executors and Administrators Allowance.

XXXVIII. AND that all Executors and Administrators shall be allowed in their Accounts all reasonable Charges and Disbursements which they shall lay out and expend for selling any Estate, and receiving the Money upon such Sale, pursuant to this Act; and also for collecting and receiving the outstanding Debts of their Testator or Intestate, and no other Allowance whatsoever.

Lists of Probats and Administrations when and how to be returned.

XXXIX. *AND be it further enacted, by the Authority aforesaid*, that the Clerk of every County Court shall, in the Months of *April* and *October*, annually, return to the Secretary's Office a List of all Certificates for obtaining Probat or Administration, granted by their respective Courts, from Time to Time, containing the Names of the Testators or Intestates, their Executors or Administrators, and the Names of the Securities; which Lists the Secretary of this Colony is hereby required to cause to be recorded in his Office, alphabetically, in Books for that Purpose.

A. D. 1748.

XL. *AND* be it further enacted, by the Authority aforesaid, that where any Testator or Intestate shall leave Estate, real or personal, of the Value of one Hundred Pounds current Money, or more, it shall and may be lawful for the General Court of this Dominion, upon Motion to them made, to receive the Proof of such Testator's Will to them exhibited, and to hear and determine the Right of Administration of the Estate of such Intestate, and thereupon to grant Certificate for obtaining Probat or Administration, or Administration with the Will annexed, as the Case shall require, in the same Manner, and with the same Rules and Limitations, as by this Act is before directed to be observed in the County Courts. And that all Probats, and Commissions of Administration, granted upon Certificates obtained in the General Court, shall be issued under the Seal of this Colony, and signed by the Governour or Commander in Chief of this Dominion for the Time being, or by the President of the Council for the Time being, or by such Judge or Judges of the said Court as shall be for that Purpose authorized by Commission of the said Governour or Commander in Chief, which shall be good and effectual in Law to enable the Executors or Administrators therein named to recover and take the Estate of their Testator or Intestate so to them committed.

Where an Estate is of the Value of 100 l. or more, Probat, or Administration, may be granted by the General Court.

XLI. *AND* that the Forms of all Oaths and Bonds, by this Act required of Executors and Administrators, shall be the same in the General Court as in the County Courts.

Oaths and Bonds as before.

XLII. *PROVIDED* always, that where the General Court shall grant Certificate for obtaining the Administration of any Estate, and shall fail to take sufficient Security for the same, in such Case the Members of the said Court granting such Certificate, and every of them, shall be liable to pay all Loss and Damages accruing by such Failure, in the same Manner as the Justices of the County Court, in the like Case, should have been.

And Security.

XLIII. *AND* be it further enacted, by the Authority aforesaid, that all and every other Act and Acts, Clause and Clauses, heretofore made, for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.

Repealing Clause.

XLIV. *AND* be it further enacted, by the Authority aforesaid, that this Act shall commence and be in Force from and immediately after the tenth Day of June, which shall be in the Year of our Lord one Thousand seven Hundred and fifty one.

Commencement of this Act.

CHAP IV.

An Act for establishing County Courts, and for regulating and settling the Proceedings therein. (a)

His Majesty gave his Assent to this Act October 31, 1751.

I. **F**OR the better and more expeditious Determination of Controversies, Be it enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that in every County of this Dominion a monthly Court shall be held by the Justices thereof at the several respective Places already assigned for that Purpose, or at such Place or Places as shall be hereafter lawfully appointed, upon the Days

County Courts

(a) See 19. Geo. 2. (1746) Cap. 1. Sect. 14. Justices annually to appoint two or more of their Members to inspect the Clerk's Office.

22. Geo. 2. (1748) Cap. 22. Sect. 5. Contracts of County Courts to bind them and their Successors.

A. D. 1748.
Justices of
Peace.

Four of them,
one of the
Quorum, to be
a Court.

herein after limited for each County respectively, and at no other Time or Place; which Courts shall be called County Courts, and consist of eight or more Justices of the Peace, commissioned by the Governour or Commander in Chief of this Dominion for the Time being. Any four of them, one being of the Quorum, shall be sufficient to hear and determine all Causes depending in the said County Courts.

Justices shall
be sworn.

II. *AND* be it further enacted, by the Authority aforesaid, that every Person so nominated and appointed a Justice of Peace, before his entering upon and executing the said Office, shall publicly, in the Court House of his County, and on a Court Day, take the Oaths appointed, or which shall be appointed, to be taken by Act of Parliament, take and subscribe the Oath of Abjuration, repeat and subscribe the Test, and shall also take the following Oaths, to wit:

The Oath of a Justice of the Peace.

Their Oath.

*Y*O U shall swear that, as a Justice of the Peace in the County of _____ in all Articles in the Commission to you directed, you shall do equal Right to the Poor and to the Rich, after your Cunning, Wit, and Power, and according to Law; and you shall not be of Counsel of any Quarrel hanging before you; and Issues, Fines, and Amerciaments, that shall happen to be made, and all Forfeitures which shall fall before you, you shall cause to be entered, without any Concealment or embezzling; you shall not let, for Gift or other Causes, but well and truly you shall do your Office of a Justice of the Peace, as well within your County Court as without; and you shall not take any Fee, Gift, or Gratuity, for any Thing to be done by Virtue of your Office; and you shall not direct, or cause to be directed, any Warrant by you to be made, to the Parties; but you shall direct them to the Sheriff, or Bailiffs of the said County, or the King's Officers or Ministers, or other indifferent Persons, to do Execution thereof.

So help you God.

The Oath of a Justice of the County Court in Chancery.

Oath of a Jus-
tice in Chan-
cery.

*Y*O U shall swear that well and truly you will serve our Sovereign Lord the King, and his People, in the Office of a Justice in the County Court of _____ in Chancery, and that you will do equal Right to all Manner of People, great and small, high and low, rich and poor, according to Equity and good Conscience, and the Laws and Usages of this Colony and Dominion of Virginia, without Favour, Affection, or Partiality.

So help you God.

Executing the
Office without
being sworn
forfeit 300 l.

And if any Person whatsoever shall presume to execute the Office of a Justice of Peace, without first qualifying himself in the Manner by this Act before required, he shall, for every such Offence, forfeit and pay three Hundred Pounds current Money, one Moiety to his Majesty, his Heirs, and Successors, towards the better Support of this Government, and the other Moiety to the Informer; to be recovered, by Action of Debt, in any Court of Record of this Dominion.

County Court
Days.

N. B. Several
of those Court
Days altered by
subsequent
Acts.

III. *AND* be it further enacted, by the Authority aforesaid, that the said County Courts shall be constantly held, every Month, upon the Days hereafter specified for every County respectively, that is to say: For the County of *Accomack* on the last Tuesday, *Albemarle* on the second Thursday, *Amelia* on the fourth Thursday, *Augusta* on the third Wednesday, *Brunswick* on the fourth Tuesday, *Charles City* on the first Wednesday, *Caroline* on the second Thursday, *Elizabeth City* on the first Tuesday, *Essex* on the third Tuesday, *Fairfax* on the third Tuesday, *Frederick* on the first Tuesday, *Gloucester* on the fourth Thursday, *Goochland* on the third Tuesday, *Hanover* on the first Thursday, *Henrico* on the first Monday, *James City* on the second Monday, *Isle of Wight* on the first Thursday, *King and Queen*

on the fecond *Tuesday*, King William on the third *Thursday*, King George on the firft *Thursday*, *Lancaster* on the third *Friday*, *Louisa* on the fourth *Tuesday*, *Lunenburg* on the firft *Tuesday*, *Middlefex* on the firft *Tuesday*, *Nanfemond* on the fecond *Monday*, *New Kent* on the fecond *Thursday*, *Norfolk* on the third *Thursday*, *Northampton* on the fecond *Tuesday*, *Northumberland* on the fecond *Monday*, *Orange* on the fourth *Thursday*, *Princcfs Anne* on the third *Tuesday*, *Prince George* on the fecond *Tuesday*, *Prince William* on the fourth *Monday*, *Richmond* on the firft *Monday*, *Spotsylvania* on the firft *Tuesday*, *Stafford* on the fecond *Tuesday*, *Surry* on the third *Tuesday*, *Warwick* on the firft *Thursday*, *Westmoreland* on the laft *Tuesday*, and *York* on the third *Monday*, of every Month; and every Adjournment fhall be to the next fucceeding Court in Courfe, and not otherwife.

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Adjournment
to Court in
Courfe.

IV. *PROVIDED* nevertbelefts, that if the Bufinefs of any of the faid Courts cannot be determined on the Court Day, the Juftices may adjourn from Day to Day, until all Caufes and Controverfies then depending before them fhall be heard and determined, or otherwife continued in the Manner herein after directed.

But may be
adjourned from
Day to Day,
until all Caufes
are determined,
or continued.

V. *AND* be it further enacted, by the Authority aforefaid, that the Juftices of every County Court, or any four of them, as aforefaid, fhall and may take Cognizance of, and are hereby declared to have Power, Authority, and Jurifdiction, to hear and determine all Caufes whatfoever at the common Law, or in Chancery, within their refpective Counties, except fuch criminal Caufes where the Judgment upon Conviction fhall be for the Lofs of Life or Member, and except the Profection of Caufes to Outlawry againft any Perfon or Perfons, and except alfo all Caufes of lefs Value than twenty five Shillings current Money, or two Hundred Pounds of Tobacco; which faid Caufes under twenty five Shillings, or two Hundred Pounds of Tobacco, are hereby declared to be cognizable, and finally determinable by any one Juftice of the Peace, who may give Judgment, and thereupon award Execution againft the Goods and Chattels of the Debtor, or Party againft whom fuch Judgment fhall be given, which fhall be executed and returned, by the Sheriff or Conftable to whom directed, in the fame Manner as other Writs of *Fieri Facias* are to be executed and returned, but no Execution fhall be by him granted againft the Body of the Defendant.

Jurifdiction of
the Court.Criminal
Caufes touching
Life or Mem-
ber, and Pro-
cefs of Outlaw-
ry, excepted.
Caufes under
25 s. or 200 lb.
of Tobacco,
determinable
before one Juftice;
but he
may not iffue
Execution
againft the
Body.

VI. *AND* be it further enacted, by the Authority aforefaid, that it fhall be lawful for any Juftice of Peace, upon Complaint to him made by any Perfon that his Debtor is removing out of the County privately, or abfconds and conceals himfelf, fo that the ordinary Procefs of Law cannot be ferved upon him, to grant an Attachment againft the Eftate of fuch Debtor, or fo much thereof as fhall be of Value fufficient to fatisfy the Debt and Cofts of fuch * Complainant; which Attachment, where the Debt or Demand fhall be of the Value of twenty five Shillings current Money, or two Hundred Pounds of Tobacco, or upwards, fhall be returnable to the next County Court, and directed to, and ferved by, the Sheriff or his Under Sheriff, unlefs in Cafes where the Sheriff is a Party interefted, and then the fame fhall be directed to and ferved by a Coroner; and it fhall be lawful for fuch Sheriff or Officer to ferve and levy the fame upon the Slaves, Goods, and Chattels, of the Party abfconding, wherever the fame fhall be found, or in the Hands of any Perfon or Perfons indebted to, or having any Effects of, the Party abfconding, and to fummmon fuch Garnifhee or Garnifhees to appear at the next Court to be held for the faid County, there to answer upon Oath what he or fhe is indebted unto fuch Party, and what Effects of fuch Party he or fhe hath in his or her Hands, or had at the Time of ferving fuch Attachment; which being returned executed, the Court may thereupon compel fuch Garnifhee to appear, and answer as aforefaid.

22 Geo. 2.
(1748) Cap. 10.
Sect. 7. how to
obtain an At-
tachment for
Rent when Te-
nant's Removal
with his Effects
is fufpected.Attachment.
How to be
directed, execu-
ted, and re-
turned.* Complaint
in the Roll.

VII. *PROVIDED* always, that every Juftice of Peace, before granting fuch Attachment, fhall take Bond and Security of the Party for whom the fame

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But Bond and Security shall be first taken by the Justice, and returned to Court, otherwise the Attachment void.

shall be issued, in double the Sum to be attached, payable to the Defendant, for satisfying and paying all Costs which shall be awarded to the said Defendant, in Case the Plaintiff, suing out the Attachment therein mentioned, shall be cast in his Suit, and also all Damages which shall be recovered against the said Plaintiff for his suing out such Attachment, which Bond shall be by the same Justice returned to the Court to which the Attachment is returnable, and the Party entitled to such Costs or Damages may thereupon bring Suit and recover; and every Attachment issued without such Bond taken, or where no Bond shall be returned, is hereby declared illegal and void, and shall be dismissed.

Attachments repleviable by Appearance and Bail, or Security for Appearance.

VIII. *PROVIDED* also, that all Attachments shall be repleviable by Appearance, and putting in good Bail, if by the Court ruled so to do, or by giving Bond, with good Security, to the Sheriff or other Officer serving the same; which Bond the Sheriff, or other Officer, is hereby empowered and required to take, to appear at the Court to which such Attachment shall be returnable, and to abide by, and perform, the Order and Judgment of such Court.

Rules where Security is taken for Appearance.

IX. *AND* be it further enacted, by the Authority aforesaid, that upon the Defendant or Defendants replevying any attached Effects, by giving Bond and Security to the Sheriff, or other Officer, as aforesaid, the Sheriff shall return the Name of the Security by him so taken; and if such Security shall be adjudged insufficient by the Court, and if the Defendant shall fail to appear and give special Bail, if thereunto ruled by the Court, such Sheriff and Security shall be subject to the same Judgment and Recovery, and have the same Liberty of Defence and Relief, as if such Security had been taken upon the Execution of mesne Process.

Method of prosecuting Attachments for 5l. or 1000lb. of Tobacco, or under.

X. *AND* be it further enacted, by the Authority aforesaid, that it shall be lawful for any Creditor, where his Debt doth not exceed five Pounds current Money, or one Thousand Pounds of Tobacco, to go before any Justice of Peace of the County where his Debtor resides and make Oath how much is justly due to him, and that he has Grounds to suspect, and verily believes, that such Debtor intends to remove his Effects; and thereupon such Justice shall issue an Attachment against the Estate of such Debtor, returnable to his next County Court, directed to all Sheriffs and Constables within the Colony of *Virginia*: And by Virtue thereof it shall be lawful, as well for the Sheriff, or any Constable of the County where such Attachment shall be obtained, as for the Sheriff or any Constable of other Counties, to pursue and seize such Effects, and to make Return of such Attachment to the Court where the same shall be returnable; and thereupon such Proceedings shall be had without a Petition, as in other Cases of Attachment.

Where under 25s. or 200lb. of Tobacco.

XI. *AND* upon Complaint made to a Justice of Peace that any Person indebted to the Complainant in any less Sum than twenty five Shillings current Money, or two Hundred Pounds of Tobacco, is removing out of the County privately, or so absconds or conceals himself that a Warrant cannot be served upon him, it shall be lawful for such Justice, taking Bond and Security as in this Act is before directed, to grant an Attachment against the Estate of such Debtor, or so much thereof as shall be of Value sufficient to satisfy the Debt and Costs of the Party praying such Attachment, directed to the Sheriff or any Constable of his County, and returnable before himself, or any other Justice thereof, who shall and may proceed thereupon as upon an Attachment returnable to the County Court.

Where the Attachment is not replevied, the Plaintiff shall have Judgment.

XII. *AND* if any Attachment returnable to the County Court, or before a Justice of Peace, shall be returned executed, and the Goods or Effects attached shall not be replevied as this Act directs, the Plaintiff shall be entitled to a Judgment for his whole Debt, and may take Execution thereupon; and all Goods and Effects attached, and not replevied as aforesaid, shall be sold and disposed of for

and towards Satisfaction of the Plaintiff's Judgment, in the same Manner as Goods taken in Execution upon a Writ of *Fieri Facias*. And where any Attachment shall be returned served in the Hands of any Garnishee, it shall be lawful, upon his or her Appearance and Examination, in the Manner by this Act before directed, to enter up Judgment and award Execution against every such Garnishee and Garnishees for all Sums of Money or Tobacco due from him, her, or them, to the Person absconding, or in his, her, or their Custody or Possession, for the Use of such Person, or so much thereof as shall be of the Value sufficient to satisfy the Debt and Costs of the Complainant; and all Goods and Effects whatsoever in the Hands of any Garnishee or Garnishees, belonging to such absconding Person, shall be liable to satisfy such Judgment.

A. D. 1748.

Judgment
against Gar-
nishee.

XIII. *AND be it further enacted, by the Authority aforesaid*, that all original Procefs, by Writ, Summons, Petition, or any other Manner or Means, and all subsequent Procefs thereupon to bring any Person or Persons to answer in any Action, real, personal, or mixed, Suit, Information, Bill, or Complaint, in any County Court, and all Attachments awarded by the said Courts, at the common Law, and all Subpœnas, Attachments, and other Procefs in Chancery, shall be issued, and bear Teste, by the Clerk of every County Court respectively, returnable to the next succeeding Court, and shall be executed three Days at least before the Day therein mentioned for the Return thereof; and if any Procefs shall be delivered to the Sheriff or Officer so late that he cannot execute the same three Days before the Return Day, such Procefs shall not be executed, but the Officer shall return the Truth of the Case. And if any original Procefs be taken out within three Days before the next Court Day, such Procefs shall be returnable to the next Court after the said three Days, and not otherwise; and all Procefs issued, or returnable, in other Manner than is herein before directed, shall be null and void.

Method of
issuing, execut-
ing, and return-
ing Procefs.

XIV. *PROVIDED nevertheless*, that any Justice or Justices of Peace, by his or their Warrant, may cause any Traitor, Felon, Pirate, Rioter, Breaker of the Peace, or other criminal Offender, to be apprehended and brought before the same, or some other Justice or Justices, or before the next County Court, although there be not three Days between the Execution of such Warrant and the Return thereof.

Criminal
Cases excepted.

XV. *AND be it further enacted, by the Authority aforesaid*, that Procefs against any Member of his Majesty's Council, or the Sheriff of any County, within this Colony, and the Proceedings thereupon, shall be after the same Manner in the County Court as in the General Court.

Procefs
against a Coun-
sellor or Sheriff
as in General
Court.
27 Geo. 2.
(1753) Cap. 1.
Sect. 14.

XVI. *AND be it further enacted, by the Authority aforesaid*, that upon executing any Procefs, whereupon Bail shall be requirable, the Sheriff shall return therewith the Names of the Bail by him taken; and if he shall not return Bail, or the Bail returned shall be judged insufficient by the Court, or the Defendant shall fail to appear, or to give special Bail, when ruled thereto by the Court, such Sheriff or Bail shall be subject to the same Judgment and Recovery, and shall have the same Liberty of Defence, Relief, and Remedy, as in like Cases is by Law provided in Suits depending in the General Court.

Bail.

XVII. *AND* that upon Appearance of the Defendant in any personal Action, where the Plaintiff shall move that the Defendant may be held to special Bail, the Court may, if they see Cause, rule him to give Bail accordingly, or commit him in Custody of the Sheriff till such Bail be given; and the Person and Persons becoming special Bail shall be liable to the Judgment and Recovery against such Defendant, unless he render his Body in Execution in Discharge of his Bail.

Special Bail.
5 Geo. 3.
(1765) Cap. 6.
how Bail may
surrender the
Principal.

A. D. 1748.

No Bail in
Prosecutions
upon penal
Laws.

PROVIDED always, that no special Bail shall be requirable in any Suit brought upon a penal Law, unless by such Law Bail shall be expressly directed.

Process
where the De-
fendant is not
found.

XVIII. AND for the better ascertaining what Process may be sued out, where the Sheriff returns that the Defendant is not to be found in his Bailiwick, *It is hereby further enacted, by the Authority aforesaid*, that where any Sheriff shall make such Return the Plaintiff or Plaintiffs in any civil Action shall and may sue out an Attachment against the Estate of such Defendant, returnable as herein before is directed for the Returns of original and other subsequent Process, thereupon to force an Appearance, or an *Alias* or *Pluries Capias*, at the Election of the Plaintiff or Plaintiffs; and if the Sheriff shall return any Goods by him attached the Plaintiff shall file his Declaration, and be entitled to a Judgment for his whole Debt, and the Goods so attached shall remain in Custody of the Sheriff till such Judgment obtained, and then be sold and disposed of in the same Manner as Goods taken in Execution upon a Writ of *Fieri Facias*; and if the Judgment shall not be satisfied by the Goods attached, the Plaintiff may have an Execution for the Residue.

PROVIDED always, that all Goods so attached shall and may be replevied by the Defendants giving Bond and Security to the Sheriff or other Officer attaching the same, in like Manner as by Law is directed on the Execution of mesne Process, or by the Defendants Appearance, and putting in good Bail, if ruled by the Court to give special Bail.

Rules in Pro-
ceedings at the
common Law.

XIX. AND for the regular Prosecution and Determination of Suits, entering up the Judgments, and Preservation of the Records, *It is hereby further enacted*, that the following Rules and Methods shall be observed, to wit: That the Plaintiff or Demandant in any Suit shall file his Declaration before or at the first Calling of the Cause in Court, and that no *Incipitur* shall be filed or received in Lieu of a Declaration.

Nonfuit.

THAT if the Plaintiff or Demandant fails to file his Declaration, or to appear and prosecute his Suit, he shall be nonsuit.

ss. and Costs.

THAT upon every Nonsuit five Shillings shall be paid, besides Costs of Suit.

THAT every Defendant or Tenant shall file his Plea in Writing, and if he fails so to do Judgment shall be given against him for Want of a Plea; but no Plea in Abatement, or of *Non est Factum*, shall be received, or admitted in any Cause depending in any County Court, unless the Party offering the same shall, by Affidavit, prove the Truth thereof; and the Plaintiff in Replevin, or the Defendant in any other Action, may plead as many several Matters as he shall think necessary for his Defence, so as they be not admitted to plead and demur to the whole.

Lawyer's Fee.

Exception.

(a) THAT in every Cause, unless brought by Petition, if the Plaintiff recovers, or is nonsuit, or where his Suit shall be dismissed, or Judgment passed for the Defendant, the Court shall allow in the Bill of Costs fifteen Shillings, or one Hundred and fifty Pounds of Tobacco, for an Attorney's Fee, if the Party employed one, except against Executors or Administrators, or where the Plaintiff may not recover more Costs than Damages.

(a) 22 Geo. 2. (1748) Cap. 5. Where Plaintiff shall recover no more Costs than Damages, &c.

5 Geo. 3. (1765) Cap. 16. Allows full Fees to be taxed in Bill of Costs.

7 Geo. 3. (1766) Cap. 23. Prosecutors for Offences not capital to pay Costs where Defendants are acquitted.

THAT in all Cafes where a Fine is laid upon the Members of any Vestry one Action may be brought againft them all, jointly.

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Suits againft
Vestries.

THAT the Clerk of the Court do carefully preserve the Declarations, Pleas, Evidences, and all other Papers, relating to any Cause in Court, and that they be all filed together in the Office.

Rules of
Court.

THAT in all Cafes, where the Title or Bounds of any Estate in Land is determined, the Pleadings fhall be all in Writing, and fhall be entered at large, with the Judgment thereupon, in particular Books kept for that Purpose only.

AND that for preventing Errours in entering the Judgments of the Court, the Juftices, before every Adjournment, fhall caufe the Minutes of their Proceedings to be publickly read, by the Clerk, and corrected where neceffary, and then the fame fhall be figned by the firft Juftice in Commiffion then fitting, which Minutes fo figned fhall be taken in a Book, and carefully preferved among the Records; and no Proceedings or Judgments of any Court fhall be of Force, or valid, until the fame be fo read and figned.

XX. AND for Prevention of Delay and Vexation, by dilatory Pleas, *It is hereby further enacted*, that in all perfonal Actions, where the Declaration fhall plainly fet forth fufficient Matter of Substance for the Court to proceed upon the Merits of the Cause, the Suit fhall not abate for Want of Form; and that where a Plea in Abatement fhall be pleaded in any Action, and upon Argument the fame fhall be adjudged infufficient, the Plaintiff or Plaintiffs in fuch Action fhall recover againft the Defendant or Defendants full Cofts, to the Time of overruling fuch Plea, including the Cofts of that Court, a Lawyer's Fee only excepted.

Suits fhall
not abate for
Want of Form.

Cofts upon
Plea in Abate-
ment overruled.

XXI. AND be it further enacted, by the Authority aforefaid, that for the more speedy Recovery of fmall Debts it fhall be lawful for the Juftices of any County Court to hear and determine all Suits, brought for any Debt or Demand, due by Judgment, Obligation, or Account, for any Sum or Sums of Money, or Tobacco, of the Value of twenty five Shillings current Money, or two Hundred Pounds of Tobacco, and not exceeding five Pounds of like Money, or one Thoufand Pounds of Tobacco, by Petition, without the Solemnity of a Jury; and the faid Juftices are hereby authorized and required, and fhall have full Power and Authority fo to do, and to award Execution thereupon. And where the Demand fhall not exceed the faid laft mentioned Sums, the Plaintiff fhall proceed by Petition, in the Method by this Act directed, and not otherwife. And if any Plaintiff fhall demand a greater Sum, on Purpose to evade this Act, he fhall be nonfuit, and pay Cofts. And that the faid Method of proceeding fhall be in a fummery Way, to wit:

Method of
recovering
Debts of 25 s.
to 5 l. by Pe-
tition.

Plaintiff pro-
ceeding other-
wife fhall be
nonfuit.

THE Petition fhall exprefs whether the Debt arifes by Judgment, Obligation, or other Specialty, or by Account; and if by Account, the fame fhall be filed, together with the Petition.

Rules in
Suits brought
by Petition.

UPON filing any fuch Petition in the Clerk's Office, a Summons of Courfe fhall be iffued, under the Hand of the Clerk, returnable to the next Court; a Copy of which, together with a Copy of the Petition, and of the Account, where the Demand is upon an Account, fhall be delivered to the Defendant, or left at his or her ufual Place of Abode, ten Days at leaft before the next fucceeding Court; and the fame being returned executed, by a fworn Officer, or Oath made of the due Service thereof, if the Defendant do not then appear, it fhall be lawful for the faid Juftices to hear and examine into the Truth of the Matter complained of, and to determine the Cause upon the Evidence produced, or to difmifs the Petition, as to them fhall feem juft; and if the Defendant do appear

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The Court
shall not admit
of Delay.Bonds for
more than 5 l.
Penalty shall be
prosecuted by
Action at com-
mon Law.Summons
issued within
10 Days before
the next Court
Day shall be
returnable to
the Court next
after.

Lawyer's Fee.

Detinue, and
Trove, under
5 l. Value, shall
be brought by
Petition.Rules in pe-
nal Suits, not
exceeding 5 l.
or 1000 lb. of
Tobacco.

upon such Summons, he shall forthwith put in such Answer or Plea thereto as will bring the Matter of Complaint in Issue thereupon; or if he fails to plead, the Court shall instantly proceed to hear and determine the Cause, in a summary Way, upon such Evidence as shall be given, and shall give Judgment according as the very Right of the Cause and Matter in Law shall appear unto them, without Regard to Form, or Want of Form, in the Process, Petition, or Course of Proceeding, so as sufficient Matter be set forth whereupon the Court may give Judgment according to the very Right of the Cause, in which Proceedings the Defendant shall have Benefit of all Matters in his Defence that he might have had if he had been sued in the ordinary Forms of Law. And the Court shall not admit of any Delay in the Determination of any Suit brought by Petition, till another Court, unless good Cause be made appear for such Delay; but where the Penalty of any Bond or Obligation for Debt shall exceed five Pounds current Money, or one Thousand Pounds of Tobacco, and shall be put in Suit, the same shall be brought and prosecuted by Action at the common Law, and not by Petition, although Part of the Principal be paid before Suit brought. And when any such Petition shall be filed within less than ten Days before the Court Day next following the filing thereof, the Summons thereupon shall be made returnable to the next Court held after the Expiration of ten Days; and the same being returned executed, or Oath made of the due Service thereof, as aforesaid, the Proceedings thereupon, at the Return Day, shall be in like Manner as before directed. And that upon every Judgment given upon any such Petition, if the Defendant resides in another County than where the Debt was contracted, or if the Creditor, or Plaintiff, shall be unable to attend the Court in Person, or where the Defendant is sued out of his County and recovers Costs against the Plaintiff, in any such Case, if a Lawyer shall be employed, the Clerk shall tax in the Bill of Costs seven Shillings and Sixpence for a Lawyer's Fee, and no more, except against Executors or Administrators.

XXII. AND for preventing Expense and Delay in prosecuting Actions of Detinue or Trover, for any Thing under the Value of five Pounds, *Be it further enacted, by the Authority aforesaid,* that where any Person entitled to an Action of Detinue or Trover shall set forth the Value of the Thing demanded to be under that Sum, in a Petition to any County Court, a Summons shall issue, and the Court shall hear and determine the same, in the Method by this Act directed for the Recovery of small Debts; and if in any such Action the Plaintiff shall declare for any Thing of less Value than five Pounds, exclusive of Damages, he shall be nonsuit.

XXIII. AND for the easier, speedier, and better Advancement of Justice in obtaining Judgments, in any Suit or Action brought upon any of the penal Laws of this Colony, where the Penalty sued for shall not exceed five Pounds current Money, or one Thousand Pounds of Tobacco, *Be it further enacted, by the Authority aforesaid,* that where any Demurrer shall be joined and entered in any such Suit or Action, in any Court of Record of this Dominion, the Judges shall proceed and give Judgment according to the very Right of the Cause, and as the Matter in Law shall appear unto them, without regarding any Imperfection, Omission, or Defect, in any Writ, Return, Plaint, Declaration, Information, or other Pleading, Process, or Course of Proceeding whatsoever, except those only which the Party demurring shall specially and particularly set down and express, together with his Demurrer, as Causes of the same, notwithstanding such Imperfection, Omission, or Defect, might have heretofore been taken to be Matter of Substance, so as sufficient Matter appear in the said Pleadings upon which the Court may give Judgment according to the very Right of the Cause; and that if any Verdict shall be given in any such Action or Suit, in any Court of Record of this Dominion, the Judgment thereupon shall not be stayed or reversed for or by Reason of any Default in Form, or Want of Form, in any Writ, original or judicial, or by Reason of any

imperfect or insufficient Return of any Sheriff or other Officer, nor for any insufficient pleading or misjoining the Issue, nor for any Matter of the like Nature, nor shall any Judgment given on any Verdict in such Suit or Action be reversed for any the Defects or Causes aforesaid, any Law, Statute, or Usage, to the contrary notwithstanding.

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XXIV. *AND be it further enacted, by the Authority aforesaid, that no* Process, depending in any County Court, shall be discontinued for or by Reason of the Justices failing to hold Court upon the Day by Law appointed; but in such Case all Suits, Process, Matters, and Things depending, shall stand continued, and all Returns and Appearances shall be made, to the next succeeding Court in Course, in the same Manner as if such succeeding Court had been the same Court to which such Process stood continued, or such Returns or Appearances should have been made. And all Recognizances, Bonds, and Obligations, for Appearance, and all Returns, shall be of the same Force and Validity, for the Appearance of any Person or Persons at such succeeding Court, and all Summonses for Witnesses as effectual, as if the next succeeding Court had been expressly mentioned therein. And all Causes depending upon the Docket, and undetermined at any Adjournment to the Court in Course, shall stand continued in the same Order to such Court, without any Fee to the Clerk for the Continuance of such as shall not then be called over.

Suits shall not be discontinued by the Justices failing to hold Court.

XXV. *AND be it further enacted, by the Authority aforesaid, that in all* Suits in the County Courts, in Chancery, the following Rules and Methods shall be put in Practice and observed, to wit:

THE Complainant shall file his Bill on the Return Day of the Subpœna, or upon the first Appearance of the Defendant.

Rules in Chancery.

THAT upon the Complainant's dismissing his Bill, or the Defendant's dismissing the same for Want of Prosecution, the Defendant shall recover his Costs.

THE Complainant may amend his Bill before the Defendant appears, or in a small Matter afterwards, without paying Costs; but if he amend after Appearance, and in a material Point, whereby the Defendant shall be put to any extraordinary Costs, such Costs shall be paid before the Complainant shall be at Liberty to amend his Bill.

IF any Defendant shall not appear upon Attachment returned executed, or being brought into Court upon any such Process shall obstinately refuse to answer the Complainant's Bill, such Bill shall be taken *pro confesso*, and the Matter thereof decreed accordingly.

THE Defendant shall file his Answer at the next Court after his Appearance, and Bill filed; and if no Answer be then put in, an Attachment shall be awarded, returnable to the next Court; and if no Answer be put in upon Return of the Attachment executed, the Complainant's Bill shall be taken *pro confesso*, and the Matter thereof decreed.

AND if the Attachment be returned not executed, an Attachment with Proclamation shall be issued; and if upon the Return thereof no Answer shall be put in, the Complainant's Bill shall be taken *pro confesso*, and the Matter decreed as aforesaid.

NO Process of Contempt shall issue without Oath made of the Service of the Subpœna, unless the same be returned served by a sworn Officer.

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EVERY Defendant shall be at Liberty to swear to his Answer, before any Justice of Peace.

WHEN any cross Bill shall be preferred, the Defendant or Defendants in the first Bill shall answer thereto, before the Defendant or Defendants in the second Bill shall be compellable to put in his or their Answer to such cross Bill.

THE Complainant shall reply, or file Exceptions, at the next Court after the Defendant's putting in his Answer; and if the Complainant shall not then reply, nor file Exceptions, his Bill shall be dismissed with Costs.

WHEN the Complainant files Exceptions against the Answer of any Defendant or Defendants, as insufficient, if the Defendant puts in a sufficient Answer at the next Court, the same shall be received, without Costs; but if the Defendant's Attorney insists on the Sufficiency of the Answer put in, and neglects or refuses to put in a sufficient Answer, or shall put in another insufficient Answer, the Plaintiff may set down his Exceptions, to be argued the next Court; and after Exceptions so filed, or any second insufficient Answer put in, no further or other Answer shall be received, but upon Payment of Costs.

AND if upon Argument the Complainant's Exceptions shall be overruled, or the Defendant's Answer adjudged insufficient, the Complainant shall pay to the Defendant, or the Defendant to the Complainant, as the Case shall be, such Costs as shall be allowed by the Court.

UPON every second or third Answer adjudged insufficient, Costs shall be doubled.

IF any Defendant shall put in a fourth insufficient Answer, which shall be so adjudged, such Defendant shall be examined upon Interrogatories, and committed, till he shall perfectly answer those Interrogatories, and pay Costs.

IF the Defendant, after Process of Contempt, put in an insufficient Answer, which shall be so adjudged, the Complainant shall not be obliged to take out a new Subpœna, but may go on to the Attachment with Proclamation, as if no Answer had been put in.

WHERE the Complainant conceives sufficient Matter to be confessed by the Defendant's Answer, he may set down the Cause for, and proceed to Hearing.

NO Defendant shall be admitted to put in a Rejoinder, unless it be filed at the next Court after Replication put in, but the Complainant may proceed to the Examination of Witnesses.

AFTER an Attachment with Proclamation returned no Plea or Demurrer shall be received, unless by Order of Court, upon Motion.

IF the Complainant conceives any Plea or Demurrer to be naught, either for the Matter or Manner of it, he may set it down, to be argued; or if he thinks the Plea good, but not true, he may take Issue upon it, and proceed to Proofs; and if such Plea shall be adjudged false, the Complainant shall have the same Advantage as if the same Plea were found false by Verdict at the common Law.

IF a Plea be pleaded, or Demurrer put in, and overruled, no other Plea or Demurrer shall thereafter be received, but the Defendant shall answer the
 * Allegations of the Bill.

• Obligations
in the Roll.

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THE Complainant, at the next Court after a Plea or Demurrer put in, may cause the same to be set down, to be argued; but if the Complainant shall not proceed to have the same so set down, at the second Court after Plea or Demurrer put in, the Bill may be dismissed of Course, with Costs.

UPON a Plea or Demurrer argued and overruled, Costs shall be paid as where an Answer shall be adjudged insufficient, and the Defendant shall answer at the next Court; but if adjudged good, the Defendant shall have his Costs.

IF any Defendant shall obstinately insist on a Demurrer, and refuseth to answer, where the Court shall be of Opinion that sufficient Matter is alleged in the Bill to oblige him to answer, and for the Court to proceed upon, the Bill shall be taken *pro confesso*, and the Matter thereof decreed accordingly.

COMMISSIONS to examine Witnesses may be awarded by the Court after Replication filed, the Party taking out such Commission giving the adverse Party ten Days Notice of the Time and Place of executing the same. Rules for Witnesses.

AFTER any Bill filed, and before the Defendant puts in his Answer, upon Oath made that any of the Complainant's Witnesses are aged and infirm, or going out of this Colony, whereby the Complainant thinks he is in Danger of losing the Benefit of their Testimony, the Clerk may issue a *Dedimus* to take Examination of such Witnesses, *de bene esse*, giving the Defendant reasonable Notice, so as to be valid if the Complainant has not an Opportunity to take their Examination in the ordinary Course of Proceedings.

WHEN any Cause shall be at Issue, and the Examination of Witnesses returned, if the Complainant shall not, at the next Court thereafter, set down the Cause for Hearing, the Defendant may have it set down at his Request.

XXVI. AND for better discovering of the Truth in any Matter whatsoever depending before the County Court, *Be it further enacted, by the Authority aforesaid*, that the Clerk of every County shall and may, and is hereby authorized and empowered, upon Request of either Party, to issue one or more Summons or Summonses for any Person or Persons to attend as Witnesses in any Cause or Matter depending before the County Court, or upon any Survey of Land which shall be by the Court ordered to be made, expressing in every Summons the Time and Place where the Witnesses are to appear, the Names of the Parties to the Suit or Cause wherein they are to give Evidence, and at whose Request they are summoned; and if any Witness shall be an Inhabitant of another County, the Clerk shall issue Summons, which may be directed to the Sheriff, or any Coroner of that County where such Witness or Witnesses live or usually reside, which shall be by such Officer executed and returned to the Office whence the same issued. Summons for Witnesses.

AND that every Person summoned to appear at any County * Court, or upon any Survey of Land, as a Witness, and being an Inhabitant of the same County, shall be paid by the Person or Persons at whose Suit the Summons issued twenty five Pounds of Tobacco for every Day's Attendance upon such Summons; and every Person residing in, and summoned out of, another County, shall have the said Allowance of twenty five Pounds of Tobacco *per Day* for Attendance, and be paid for travelling and Ferriages to and from Court, as Witnesses in the General Court, to be paid by the Party summoning him or her, which said several Allowances for Attendance shall be ordered by the Court, upon Motion, and a Copy thereof issued by the Clerk, at any Time, upon Request. And if any Person summoned as aforesaid shall fail to attend accordingly, he or she so failing shall be fined by the Court, to the Party at whose Suit such Summons issued, * Court not in the Roll. Their Allowance. Penalty if they fail to attend.

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three Hundred and fifty Pounds of Tobacco, and shall also be liable to the Action of such Party, at the common Law, for his or her Damages; but if the Person so failing shall at the Court to which the Summons shall be returnable, or at the next succeeding Court, shew sufficient Cause of his or her Inability to attend at the Time he or she ought to have appeared, then no Fine or Forfeiture shall be incurred by such Failure.

Privilege
from Arrests,
&c.

27 Geo. 2.
(1753) Cap. 1.

AND that every Witness, during the Time of his or her coming to, attending, or returning from, the Court, shall be privileged and free from Arrest or Imprisonment, in the same Manner as Witnesses summoned to the General Court.

27 Geo. 2.
(1753) Cap. 1.

AND where any Witness shall be aged, infirm, or going out of this Colony, upon Oath thereof made, the Clerk, upon Request of either Party, may issue a *Dedimus* to take the Examination of such Witnesses, in the same Manner, and with such Notice, as such Commissions may be issued, executed, and returned, in Proceedings in the General Court.

Appeals.

Not grant-
able where the
Debt or Da-
mage does not
exceed 10l. or
2000lb. of To-
bacco, exclusive
of Costs.

Except in
Titles or
Bounds of
Land.

XXVII. AND for the more regular granting Appeals from any County or inferiour Court to the General Court, *Be it further enacted, by the Authority aforesaid*, that no Appeal shall be allowed for reversing any Judgment or Decree given in any County Court, or inferiour Court of Record, within this Dominion, in any Action or Suit whatsoever at common Law, or in Chancery, where the Debt or Damage, or other Matter, recovered in such Action or Suit, exclusive of the Costs, shall not exceed ten Pounds current Money, or two Thousand Pounds of Tobacco, or the Value thereof, unless in such Suit the Title or Bounds of Lands shall be drawn in Question.

AND that in all Cases above the Value last mentioned, or where the Title or Bounds of Lands shall be affected or controverted, any Party or Parties conceiving him, her, or themselves, aggrieved by the Judgment or Decree of any County Court, or other inferiour Court, may pray an Appeal to the General Court, which shall be granted in Manner following, and not otherwise, to wit:

Defendant or
Tenant being
Appellant shall
give Bond and
Security.

IF the Defendant or Tenant prays an Appeal, he shall give Bond, with good Security, for prosecuting his Appeal with Effect, and to perform the Judgment of the General Court, and to pay Damages to the Appellee if the Judgment or Decree of the County Court, or other inferiour Court, be affirmed.

Rules where
the Plaintiff ap-
peals.

AND if the Plaintiff or Demandant appeals, then the special Bail given by the Defendant or Tenant in the County or inferiour Court shall also stand bound to answer the Judgment of the General Court; and such Appellant shall give Bond, with Security, in the Sum of twenty Pounds current Money, that he will prosecute his Appeal with Effect; and if he do not appear and prosecute the same, his Bond shall be forfeited to the Defendant or Appellee.

Certiorari.

27 Geo. 2.
(1753) Cap. 1.
Sect. 29. How
to obtain Cer-
tiorari.

XXVIII. *AND be it further enacted, by the Authority aforesaid*, that no Writ or Writs of *Certiorari* shall be received or allowed by the Justices of any County Court or other inferiour Court, or to whom any such Writ or Writs shall be directed and delivered, after Issue or Demurrer joined, in the Cause or Causes depending in such Court or Courts, and intended to be removed by such Writ or Writs, but they shall and may proceed in the said Cause or Causes as though no such Writ had been sued forth or delivered to them, or any of them; and if any Cause be removed or stayed by such Writ, and afterwards the same Cause shall be remanded, or sent back again, by any Writ of *Procedendo*, or other Writ whatsoever, such Cause shall never afterwards be removed, or stayed before Judgment, by any other Writ or Writs whatsoever, to be sued forth from the General Court, or Secretary's Office.

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XXIX. *AND be it further enacted, by the Authority aforesaid,* that no Justice of Peace, Sheriff, under Sheriff, or Clerk of any County Court, shall appear or plead as Attorney for any Person or Persons whatsoever in the Court of the County whereof he is a Member, Officer, or Clerk, except only as general Attorney for any Person or Persons not residing or being within this Colony, under Penalty of being fined by such Court in the Sum of ten Pounds current Money for every such Offence, to the Use of the same County, towards lessening the Levy thereof.

No Justice or Officer shall appear as Attorney in the Court whereof he is a Member or Officer, except for Persons not in this Colony. Penalty 10l.

XXX. *AND be it further enacted, by the Authority aforesaid,* that from Time to Time, for ever hereafter, the Court of every County of this Dominion shall cause to be erected, and kept in good Repair (or where the same shall be already built, shall maintain and keep in good Repair) within each respective County, and at the Charge of such County, one good and convenient Court-House, of Stone, Brick, or Timber, and one common Gaol and County Prison, well secured with Iron Bars, Bolts, and Locks, and also one Pillory, Whipping Post, and Stocks; and where Land shall not be already provided and appropriated for that Purpose, such Court may purchase two Acres whereon to erect the said publick Buildings, for the Use of their County, and for no other Use whatsoever. And to every Court-House, already erected and established, two Acres of the Land built upon and adjacent thereto, not having any House, Orchard, or other immediate Conveniences thereon, shall be and remain appropriated to such Court-House, and the Fee Simple thereof is hereby declared to be in the Court of the same County, and their Successors, to the Use of such County, as aforesaid; but where a Court-House is already built in any City or Town, the Land now laid off for the same, and the other publick Buildings, shall be judged and held to be sufficient. And if the Justices of any County Court shall at any Time hereafter fail to keep and maintain a good and sufficient Prison, Pillory, and Stocks, every Member of the Court so failing shall forfeit and pay five Hundred Pounds of Tobacco, one Moiety to the King, his Heirs, and Successors, for the better Support of this Government and the contingent Charges thereof, the other Moiety to the Informer; to be recovered, with Costs, by Action of Debt or Information, in any Court of Record of this Dominion. And, moreover, the Court so failing shall be liable to the Action of the Sheriff, from Time to Time, for all Damages recovered against him upon any Escape for Want of a sufficient Prison, and such Sheriff, or his Executors or Administrators, shall and may sue for the same, by Action of Debt or Information, brought in the General Court against the Justices so failing, or the Survivors of them; and upon Recovery in such Suit, the Judges of the said Court are hereby empowered and required to proportion how much every particular Justice of the Court so failing, who shall be then living, and the Executors or Administrators of such as shall be deceased, shall pay respectively, and to enter up Judgment accordingly, whereupon one or more Executions shall and may be issued.

Court-Houses and publick Buildings shall be erected and kept in Repair.

Penalty on Failure of keeping a sufficient Prison, &c.

XXXI. *AND that the Justices of every County shall be, and they are hereby empowered and required, to mark and lay out the Bounds and Rules of their respective County Prisons, not exceeding ten Acres of Land, adjoining to such Prison, which Marks and Bounds shall be recorded, and renewed from Time to Time, as Occasion shall require; and every Prisoner not committed for Treason or Felony, giving good Security to keep within the said Rules, shall have Liberty to walk therein, out of the Prison, for the Preservation of his or her Health, and keeping continually within the said Bounds shall be adjudged in Law a true Prisoner. And if the Court of any County shall at any Time think fit, they are hereby authorized and empowered, at the Charge of their County, to cause a Ducking Stool to be built in such convenient Place as they shall direct.*

Prison Rules, 5 Geo. 3. (1765) Cap. 6. how to proceed on an Escape from the Bounds.

Ducking Stool.

A. D. 1748.
 Repealing
 Clause.

XXXII. *AND be it further enacted, by the Authority aforesaid, that all and every other Act and Acts, Clause and Clauses, heretofore made for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.*

Commence-
 ment of this
 Act.

XXXIII. *AND be it further enacted, by the Authority aforesaid, that this Act shall commence and be in Force from and immediately after the tenth Day of June, which shall be in the Year of our Lord one Thousand seven Hundred and fifty one.*

CHAP. V.

An Act to prevent frivolous and vexatious Suits. (a)

His Majesty
 gave his Assent
 to this Act
 31 Oct. 1751.
 Preamble.

I. **F**OR Relief of his Majesty's good Subjects against causeless and vexatious Suits, and for the better enabling them to recover their just Rights:

Actions.
 Where the
 Plaintiff shall
 not recover
 Costs.

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that in all Actions of Assault and Battery, and Slander, commenced and prosecuted in the General Court, if the Jury find under the Sum of five Pounds, and in the like Actions, commenced and prosecuted in any County Court, if the Jury find under forty Shillings, the Plaintiff, in either Case, shall not recover any Costs.*

Where no
 more Costs than
 Damages

Remedy
 where more
 Costs shall be
 awarded.

Where the
 Defendant shall
 have his Costs.

III. *AND in all Actions of Trespas, and all other personal Actions, where the Court before whom the Trial shall be shall not be satisfied, and enter upon the Record that the Freehold, Title, or Interest of Land, mentioned in the Plaintiff's Declaration, was or might have been in Question, or that the Trespas was wilful or malicious, if the Jury find under forty Shillings, the Plaintiff shall not recover more Costs than Damages; and if more Costs are awarded the Judgment shall be void, and shall be amended, upon a Motion, at any Time, by the Court who awarded the same, and the Party injured shall be redressed, as to such Costs so wrongfully awarded, in Case the same be levied upon him. And where several Persons shall be made Defendants, in any Action of Trespas, Assault, false Imprisonment, or Ejectment, and upon the Trial thereof any one or more of them shall be acquitted by Verdict, every Defendant so acquitted shall have and recover his Costs of Suit, in like Manner as if a Verdict had been given against the Plaintiff or Plaintiffs, and acquitted all the Defendants, unless the Court before whom such Cause shall be tried shall be satisfied that there was reasonable Cause for the making such Person or Persons Defendant or Defendants to such Action, and shall order it otherwise; and in all Cases where Judgment shall be given for the Defendant he shall recover his Costs against the Plaintiff, and have Execution for the same.*

Exceptions as
 to Executors or
 Administrators.

IV. *PROVIDED always, that nothing herein contained shall be construed to extend to Executors, or Administrators, in such Cases where by the Law they are not liable to the Payment of Costs of Suit.*

Where Suit
 shall not abate
 upon the Death
 of either Party,
 or Parties.

V. *AND be it further enacted, by the Authority aforesaid, that in all Actions where the Plaintiff shall die after an interlocutory Judgment, and before final Judgment obtained therein, such Action shall not abate if the same might be originally prosecuted or maintained by the Executors or Administrators of such*

(a) See 7 Geo. 3. (1766) Cap. 23. Prosecutors of Offences not capital to pay Costs where Defendants are acquitted.

Plaintiffs; and if the Defendant die after such interlocutory Judgment, and before final Judgment, such Action shall not abate if the same were originally maintainable against the Executors or Administrators of such Defendant, but the Plaintiff (or, if he be dead, after such interlocutory Judgment, his Executors or Administrators) shall and may have a *Scire Facias* against the Defendant, if living after such interlocutory Judgment (or, if he died after, against his Executors or Administrators) to shew Cause why Damages in such Action should not be assessed and recovered by the Plaintiff or Plaintiffs; and if such Defendant, or his Executors or Administrators, shall appear at the Return of such Writ, and not shew or allege any Matters sufficient to arrest the final Judgment, or being returned warned, or upon two Writs of *Scire Facias*, it be returned that the Defendant, or his Executors or Administrators, had nothing whereby to be summoned, or could not be found in the County, shall make Default, a Writ of Inquiry of Damages shall be thereupon awarded, which being executed, Judgment final shall be given for the said Plaintiff, his Executors or Administrators, prosecuting such Writ or Writs of *Scire Facias*, against such Defendant, his Executors, or Administrators. And if there be two or more Plaintiffs or Defendants, and one or more of them should die, if the Cause of Action should survive to the surviving Plaintiff or Plaintiffs, or against the surviving Defendant or Defendants, the Writ or Action shall proceed, at the Suit of the surviving Plaintiff or Plaintiffs, against the surviving Defendant or Defendants; and in all Actions, real, personal, and mixed, if either Party shall die between Verdict and Judgment, such Death shall not be pleaded in Abatement, but Judgment shall be entered as if both Parties were living.

A. D. 1748.

VI. *AND* be it further enacted, by the Authority aforesaid, that in all Actions upon any Bond, or on any penal Sum for Non-Performance of Covenants or Agreements, in any Indenture, Deed, or Writing contained, the Plaintiff or Plaintiffs may assign as many Breaches as he or they shall think fit; and the Jury, upon Trial of such Action or Actions, shall and may assess Damages for such of the Breaches as the Plaintiff shall prove to have been broken, and on such Verdict the like Judgment shall be entered as heretofore has been usually done in such Actions. And where Judgment on a Demurrer, or by Confession, or *Nihil Dicit*, shall be given for the Plaintiff, he may assign as many Breaches of the Covenants or Agreements as he shall think fit; upon which a Jury shall be summoned to inquire of the Truth of every one of those Breaches, and to assess the Damages the Plaintiff shall have sustained thereby, and Execution shall issue for so much; and such Judgment shall remain as a Security to the Plaintiff, his Executors, and Administrators, for any other Breaches which may afterwards happen, and he or they may have a *Scire Facias* against the Defendant, and assign any other Breach, and thereupon Damages shall be assessed, and Execution issued, as aforesaid. And in all Actions which shall be brought upon any Bond or Bonds, for the Payment of Money, wherein the Plaintiff shall recover, Judgment shall be entered for the Penalty of such Bond, to be discharged by Payment of the Principal, and Interest due thereon, and the other Costs of Suit, and Execution shall issue accordingly; or if before Judgment the Defendant shall bring into Court the Principal and Interest due upon such Bond, he shall be discharged, and in that Case Judgment shall be entered for the Costs only. And in any Action of Debt on single Bill, or in Debt, or *Scire Facias* upon a Judgment, or in Debt upon Bond, if before Action brought, the Defendant hath paid the Principal and Interest due by the Defeasance or Condition, he may plead Payment in Bar.

Rules in
Actions for
Non-Perform-
ance of Cove-
nants.Actions upon
Bonds for
Payment of
Money.

Debt.

VII. *AND* be it further enacted, by the Authority aforesaid, that all Powers of Attorney for confessing or suffering Judgment to pass by Default or otherwise, and all general Releases of Errour, made or to be made by any Person or Persons whatsoever within this Colony, before Action brought, shall be and are hereby declared to be absolutely null and void; and if any Attorney, or other Person practising as an Attorney, shall presume to appear under such Power for any De-

Powers of
Attorney to
confess Judg-
ment and Re-
lease of Errour,
before Suit
brought, void.

A. D. 1743.

Attorney ap-
pearing under
such Power
forfeits 500l.
and liable for
Damages.

fendant, in any Court of Record within this Dominion, such Attorney shall, for every such Offence, forfeit and pay five Hundred Pounds current Money, to such Defendant, for his own Use, to be recovered, with Costs, by Action of Debt or Information, in any Court of Record, and moreover shall be liable to an Action for Damages, at the Suit of the Party grieved.

Attorney for
any Person out
of this Domi-
nion shall give
Security.

VIII. *AND be it further enacted, by the Authority aforesaid*, that when any Process shall be sued forth, or any Suit, either in Law or Equity, commenced and prosecuted in any Court of Record, or before any Judge or Magistrate within this Colony, by Virtue of any Letter or Warrant of Attorney, or Letter or Warrant of Substitution, or by Virtue of any other Deputation or Power, from any Person or Persons residing in other Parts than within this Dominion, against any Person or Persons inhabiting here, the Person suing forth such Process, or commencing or prosecuting such Suit, at his first Appearance, or at any Time thereafter, when required, shall give good and sufficient Security with the Clerk of the General Court, or in the Court where such Process shall be sued out, or Suit depending, to satisfy and pay to the Party prosecuted all such Damages, Costs, and Charges, as upon the same Suit shall be awarded to him, her, or them, by the Court, Judge, or Magistrate, before whom the Suit shall be heard and determined; and if such Attorney shall fail to give such Security, being thereunto required, the Suit shall be dismissed, and the Defendant shall have Judgment for his Costs against such Attorney, and may take Execution thereupon; and, moreover, such Attorney shall be liable to the Secretary, County Court Clerk, and Sheriff, or other Officer, for their respective Fees, to be levied upon his Estate, in the same Manner as Officers Fees are by Law directed to be levied and paid, and also to all Witnesses in such Suit, for their respective Allowances.

Failing so to
do liable for all
the Costs of
Suit.

Rules upon
entering In-
junctions in
Chancery.
27 Geo. 2.
(1753) Cap. 1.
Sect. 38. not to
be granted from
the General
Court, unless
the Matter in
Dispute is of
Value sufficient
to bear an Ap-
peal.

IX. *AND be it further enacted, by the Authority aforesaid*, that before any Injunction in Chancery shall be granted to stay Proceedings at Law, in any Action, Suit, or Judgment whatsoever, in any Court of Record in this Colony, if the Court shall not be otherwise satisfied with the Matter of Equity, the Party praying such Injunction shall make Oath before the Court, or before some Magistrate, of the Truth of the Allegations of his Injunction Bill, which Affidavit shall be certified at the Foot of the Bill, and he, she, or they, shall moreover enter into Bond, with one or more sufficient Securities, in the Clerk's Office, for satisfying and paying all such Sums of Money and Tobacco, and Costs, which shall be then due, or become due, to the Plaintiff or Plaintiffs, in the Action, Suit, or Judgment, so to be stayed, and also for the Payment of such Costs as shall be awarded against him, her, or them, in Case the Injunction shall be dissolved.

Repealing
Clause.

X. *AND be it further enacted, by the Authority aforesaid*, that all and every other Act and Acts, Clause and Clauses, heretofore made, for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.

Commence-
ment of this
Act.

XI. *AND be it further enacted*, that this Act shall commence and be in Force from and immediately after the tenth Day of June, which shall be in the Year of our Lord one Thousand seven Hundred and fifty one.

A. D. 1748.

C H A P VI.

An Act prescribing the Method of appointing Sheriffs, and for limiting the Time of their Continuance in Office, and directing their Duty therein. (a)

His Majesty
gave his Assent
to this Act,
31 Oct. 1751.

I. **F**OR the regular Nomination and Appointment of Sheriffs within this Colony,

See Chap. 8.
in this Year
concerning
Executions.

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that every County Court of this Dominion shall annually, between the last Day of June and the last Day of August, present to the Governour or Commander in Chief of this Colony for the Time being a List or Recommendation of three Persons named in the Commission of the Peace for their County, one of which Persons so recommended shall thereupon be commissioned by the said Governour or Commander in Chief to execute the Office of Sheriff of that County for the then next ensuing Year; but if at any Time any County Court shall neglect or refuse to present such List or Recommendation, it shall be lawful for the Governour or Commander in Chief, and he is hereby to appoint, and by his Commission constitute, any one Person nominated in the Commission of the Peace for such County to be Sheriff thereof. And if any Sheriff, appointed upon Recommendation as aforesaid, shall happen to die in the Time of his Sherifalty, the Governour or Commander in Chief may, and is hereby empowered and desired, to appoint one of the Survivors recommended with the Person deceased to be Sheriff in his Room; and when a Sheriff, appointed upon Neglect or Refusal of Recommendation, happens to die in his Office, any Person in Commission of the Peace for such County may and shall be commissioned in his Stead.*

The Method
of Recommen-
dation and Ap-
pointment of
Sheriffs.

And where
a Sheriff dies
in his Office.

III. *AND be it further enacted, by the Authority aforesaid, that no Person shall be compellable to serve as Sheriff longer than one Year only, but the Governour or Commander in Chief may, if he thinks fit, continue any Sheriff in his Office two Years next succeeding each other, and such Person may accept and execute the same two Years successively, and no longer. And every Person accepting a Sheriff's Commission shall, before his being sworn into or executing his Office, enter into Bond, before the Justices of his County Court, with two good and sufficient Sureties at the least, in the Sum of one Thousand Pounds current Money, for his true and faithful Performance of his Office, which Bond and Sureties every County Court respectively is hereby empowered and required to demand, take, and cause to be acknowledged before them in open Court, and recorded. And if any Person now appointed, or hereafter to be appointed Sheriff, pursuant to this Act, shall refuse to accept and execute such Commission to him directed, he shall forfeit and pay twenty Pounds current Money to our Sovereign Lord the King, his Heirs, and Successors, for the Use of the County wherein such Refusal shall be, towards lessening their County Levy; to be recovered, with Costs, by Action of Debt or Information, in any Court of Record of this Dominion, except the Person refusing shall declare upon Oath, before his or the next adjacent County Court, "that he hath used his best Endeavours, truly and*

Time of
Continuance in
Office.

Sheriff shall
give Bond and
Security before
sworn in.

Fine on Re-
fusal to serve.

Exception;

(a) See 7 Geo. 3. (1720) Cap. 1. Sect. 6. Act against tending Seconds to be read by Sheriff in June and July yearly.

27 Geo. 2. (1753) Cap. 1. Sect. 35, 36, 37. Penalty on Sheriff failing to return Executions, &c.

28 Geo. 2. (1755) Cap. 2. Sect. 11, 12. Bond with new Condition to be given by Sheriff.

29 Geo. 2. (1755) Cap. 1. Speedy Remedy against Sheriffs for Quitrents.

3 Geo. 3. (1763) Cap. 2. A better Method of appointing Sheriffs established.

3 Geo. 3. (1763) Cap. 5. Remedy given to Sheriffs against their under Sheriffs and Securities.

5 Geo. 3. (1765) Cap. 6. Sheriffs Duty on Escapes. How Bail may render Principal to Sheriff. Sheriffs Commissions in Cases of Insolvencies. To endorse Names of Slaves taken in Execution upon the Writs.

A. D. 1748. “ *bonâ fide*, without Covin or Collusion, to get Security for Performance of the said Office, and that he cannot obtain such Security,” which Oath such County Court, upon Application to them made, is hereby empowered and required to administer, and cause to be recorded, and thereupon such Person shall not be liable to any Forfeiture for his Refusal, but a new Commission shall and may issue, appointing another Sheriff in his Stead, in the same Manner as if such Person were naturally dead. And no Person who hath once served as Sheriff, or paid his Fine, shall be liable to any further Forfeiture, until every Justice, other than a Burges, in Commission of the Peace for that County, shall have actually served as Sheriff, or paid his Fine, or discharged himself upon Oath in Manner aforesaid.

Persons serving once, or paying the Fine, excused till all the rest in Commission have served, or fined.

Burgeses exempted from being Sheriffs.

IV. *PROVIDED* always, that every Member of the House of Burgeses, in this present or any future General Assembly, during the Time of his being a Burges, shall be exempted from being made or appointed Sheriff, and from all Fines and Forfeitures by this Act inflicted for Refusal thereof.

Sheriff shall execute Process, and make Return.

Penalty on failing to execute.

On a false Return.

Rules for Returns where the Defendant is not found.

V. *AND* be it further enacted, by the Authority aforesaid, that every Sheriff himself, or by his lawful Officers or Deputies, shall from Time to Time execute all Writs and other Process to him legally issued and directed within his County, or upon any Bay, River, or Creek, adjoining thereto, and shall make due Return thereof, under Penalty of forfeiting one Thousand Pounds of Tobacco for every Failure, one Moiety to his Majesty, his Heirs, and Successors, for the better Support of this Government and the contingent Charges thereof, the other Moiety to the Party grieved; to be recovered, with Costs, by Action of Debt or Information, in any County Court of this Colony; and such Sheriff shall be further liable to the Action of the Party grieved, at the common Law, for his or her Damages. And for every false Return the Sheriff shall forfeit and pay three Thousand Pounds of Tobacco, to be recovered, divided, and applied, in the same Manner as last mentioned; and shall also, in like Manner, be liable to the Party grieved, for Damages. And no Sheriff shall return, upon any Writ to him directed, that the Defendant is not found in his Bailiwick, unless such Sheriff or his Officer shall have actually been at the Dwelling-House or Place of Abode of such Defendant, and not finding him shall have there left an attested Copy of the same Writ or Process; and where any Defendant shall be a known Inhabitant of another County, and not of the County of that Sheriff to whom the Process shall be directed, such Sheriff shall return the Truth of the Case, but not that the Person is not found in his County, and thereupon such Process issued from any County Court Clerk's Office, as to such Defendant, shall abate and be dismissed.

Process executed on a Sunday void, or at Musters, or Elections of Burgeses, except in criminal Cases or Escapes.

VI. *PROVIDED* always, that it shall not be lawful for any Sheriff, or other Officer, to execute any Writ or Process upon the Lord's Day, commonly called *Sunday*, nor upon any Person attending his Duty at any Muster of the Militia, or any Election of a Burges or Burgeses; and that all Process so executed shall be illegal and void, unless the same be issued against any Person or Persons for Treason, Felony, Riot, Breach of the Peace, or upon an Escape out of Prison or Custody, and such Process shall and may be executed at any Time or Place.

What Obligations the Sheriff may take of Persons in Custody.

VII. *AND* be it further enacted, by the Authority aforesaid, that it shall not be lawful for any Sheriff, or his Officer or Deputy, to take any Obligation of or for any Person or Persons in his Custody, for or concerning any Matter relating to his Office, otherwise payable than to himself, as Sheriff, and dischargable upon the Prisoner's Appearance, and rendering himself at the Day and Place required in the Writ whereupon he was or shall be taken or arrested; and that every Obligation by any Sheriff taken in other Manner or Form, by Colour of his Office, shall be null and void, except in any special Case any other Obligation is or shall be by Law particularly and expressly directed. And that no Sheriff of any County within this Dominion shall demand or take any other or

His Fees, publick or private.

greater Fee or Reward whatsoever, nor shall have any Allowance, Reward, or Satisfaction, from the Publick, for any Service or Business by him done, other than the Allowances given and provided by Law, from Time to Time, in the Table of Sheriff's Fees; and that all Services not there expressly enumerated, and provided for, shall be by him done *ex officio*.

A. D. 1743.

VII. *AND be it further enacted, by the Authority aforesaid*, that every Sheriff, when required by the Governour's Warrant for that Purpose, shall collect and receive the Quitrents due to his Majesty in his County, and shall also receive and collect the publick and County Levies, and shall duly pay and satisfy all such Quitrents and Levies to the Receiver General, and the publick or County Creditors, (a) respectively, at the Time or Times which now are, or hereafter shall be, by Law limited from Time to Time.

Sheriff shall be Collector of Quitrents, publick and County Levies.

(a) See 19. Geo. 2. (17.6) Cap. 1.

Sect. 13. when to account with Officers for their Fees under a Penalty.

IX. *AND* whereas some Sheriffs, and others Collectors of Levies, have discovered some Tithables not enlisted, and have demanded and received the Levies for them, and retained the same to their own Use: *Be it therefore enacted, by the Authority aforesaid*, that all Sheriffs and Collectors shall hereafter account, on Oath, for all such Levies by them received, to the respective County Courts or Vestries, as the Case may be, which shall be applied towards lessening the Levy of such County or Parish.

How he shall account and pay.

X. *AND be it further enacted*, that where any Person or Persons holding Lands of his Majesty shall fail to satisfy and pay the Quitrents due for the same, or where any Person or Persons shall be indebted for publick, County, or Parish Levies, and shall not discharge the same within the Time limited by Law for the Payment thereof, it shall be lawful for the Sheriff, or Collector of such Quitrents or Levies, or either of them, to distrain any of the Slaves, Goods, or Chattels, which shall be found upon the Lands, and in the Possession of the Person so indebted or failing, notwithstanding such Slaves, Goods, or Chattels, shall be comprized in any Deed of Mortgage; and if the Owner thereof shall not pay the Quitrents or Levies due, within five Days after such Distress, such Sheriff or Collector shall and may lawfully sell, by Auction, the Slaves, Goods, and Chattels distrained, or so much thereof as shall be sufficient to satisfy the said Quitrents or Levies, and the Charges of Distress and Sale, but shall give Notice of the Day and Place of Sale, at the Church of the Parish wherein such Distress shall be, by setting up a Note thereof before the Service begins, at some convenient or usual Place near such Church, and by publishing the same in the Church-Yard, immediately after divine Service, on the next *Sunday* after Expiration of the said five Days, which Sale shall not be in less than three nor more than six Days after Notice so given, and shall be good and effectual in Law against all and every Person and Persons whatsoever claiming, or pretending to claim, any Right, Title, or Interest, in or to any of the said Slaves, Goods, or Chattels.

Collectors of Quitrents or Levies may distrain.

What shall be liable to Distress.

If no Redemption by Payment in 5 Days, shall be sold, by Auction.

Method and Time of Sale.

XI. *PROVIDED* always, that no Sheriff or other Officer, nor any Collector of Levies or Officers Fees, shall at any Time make or take unreasonable Seizures or Distresses, or seize or distrain the Slave or Slaves of any Person for any Quitrents, or for any publick, County, or Parish Levies, or for any Officers Fees, if other sufficient Distress can be had, upon Penalty of being liable to the Action of the Party grieved, grounded upon this Act, wherein the Plaintiff shall recover his full Costs, although the Damages given do not exceed forty Shillings.

Penalty on Officers making unreasonable Seizure, or distraining Slaves where other Distress can be had.

XII. *AND* whereas the Situation of most Prisons in this Colony hath given Opportunities to evil disposed Persons to break open the same, and turn out Debtors, and others in Custody, to the Hinderance of Justice, Prejudice of Creditors, and Ruin of Sheriffs, who have been compelled to pay the Debts with which such Prisoners stood charged: For Remedy thereof, *Be it further enacted*,

Sheriff indemnified from involuntary Escapes.

A. D. 1748.

by the Authority aforesaid, that no Judgment shall be entered against any Sheriff, or other Officer, in any Suit brought upon the Escape of any Debtor in his or their Custody, unless the Jury who shall try the Issue shall expressly find that such Debtor or Prisoner did escape with the Consent, or through the Negligence, of such Sheriff, or his Officer or Officers, or that such Prisoner might have been retaken, and that the Sheriff and his Officers neglected to make immediate Pursuit.

Process against
a Prisoner
escaped.

Escape War-
rant.

Return there-
of upon re-
taking, and
Proceeding
thereupon.

XIII. AND for the more effectual retaking and securing Persons who escape out of Prison, *Be it further enacted, by the Authority aforesaid*, that if any Person committed, rendered, or charged, in Custody, in Execution, or upon mesne Process, to any County Prison, shall thence escape, it shall and may be lawful to and for any Justice of the Peace in the County where such Prisoner was in Custody, upon Oath of such Escape before him made, by the Sheriff, under Sheriff, Gaoler, or other credible Person, to grant unto any one demanding the same one or more Warrant or Warrants, under his Hand and Seal, directed to all Sheriffs, Mayors, Bailiffs, Constables, and Head Boroughs, within this Colony and Dominion, reciting the Cause of such Prisoner's Commitment, and Time of his or her Escape, and commanding them, and every of them, in their respective Counties, Cities, Towns, and Precincts, to seize and retake such Prisoner so escaped or going at large, and being so retaken forthwith to convey and commit to the Prison where Debtors are usually kept, in the County where such retaking shall be, there to be kept in safe Custody until he or she be thence discharged by due Course of Law; which Warrant the Sheriff is hereby required to obey, and to receive the Prisoner into his safe Custody, and to give a Note to the Person or Persons delivering him or her, testifying his Receipt of such Prisoner, and shall also make Return of the Execution of such Warrant to the Court of that County from whence the Prisoner escaped; and if he or she was there in Custody charged in Execution, then the said Sheriff shall safely keep him or her, without Bail or Mainprize, until he or she shall make full Payment and Satisfaction to the Plaintiff or Plaintiffs, Creditor or Creditors, in whose Name such Execution was sued out, or until the Judgment or Judgments obtained against him or her shall be reversed, or discharged by due Course of Law. And if such Prisoner shall have been in Custody upon mesne Process, in any Action of Debt, or upon the Case, the Sheriff to whom he or she shall be so recommitted shall in like Manner keep such Prisoner in his safe Custody, and make Return of the Execution of the Warrant by which he or she was retaken to the Court of that County wherein he or she was first arrested; and thereupon it shall be lawful for the said Court, upon the Plaintiff's or Creditor's filing his Declaration, to proceed and give Judgment thereon, according as the Truth of the Case shall appear to them, in the same Manner as if the Defendant had appeared in the said Court and refused to plead, unless such Defendant shall cause special Bail to be entered in the said Court, and shall immediately plead to Issue, and then, upon Certificate under the Hand of the Clerk of the said Court, that such Bail is given, delivered to the Sheriff in whose Custody such Defendant then shall be, it shall be lawful for the said Sheriff to set at large such Prisoner, and not otherwise; but where any Prisoner escaped, and retaken upon such Warrant as aforesaid, shall thereafter be charged with Treason, Felony, or other Crime or Cause, in Behalf of his Majesty, his Heirs, or Successors, for which he or she ought to be tried in the General Court, or Court of Oyer and Terminer, and shall be for such Cause removed to the publick Gaol of this Colony, every such Prisoner shall be charged in the said publick Gaol with all the Causes where-with he or she stood charged in the Prison from whence he or she was so removed, until he or she be thence delivered by due Course of Law, in like Manner as is herein before directed.

A. D. 1748.

XIV. AND whereas Felons and other Criminals committed to the County Prisons, in Order to their Examination, or Removal to the publick Gaol, and Slaves committed for capital Crimes, conscious of their Guilt, are most likely to break Prison and escape: For Prevention thereof, *Be it further enacted, by the Authority aforesaid*, that where any Person or Persons accused of Treason, Felony, or other capital Crime, shall be committed to any County Gaol, and the Sheriff shall have Cause to suspect such Person will attempt to escape, such Sheriff is hereby empowered and required to impress sufficient Guard for securing such Prisoner or Prisoners, so long as he, she, or they, continue in the said Gaol, at the Charge of, and to be levied on, such County, and to be repaid by the Publick, in the same Manner as the Charges of summoning and holding Courts for the Examination of Criminals.

Sheriff may
impress a Guard
for securing
Criminals in
Gaol.

XV. AND for removing all Controversies touching the Manner of turning over Prisoners, upon a Sheriff's quitting his Office:

XVI. *BE it further enacted, by the Authority aforesaid*, that the Delivery of Prisoners by Indenture between the old Sheriff and the new, according to the Practice in *England*, or the entering upon Record in the County Court the Names of the several Prisoners, and Causes of their Commitment, delivered over to the new Sheriff, shall be sufficient to discharge the late Sheriff from all Suits or Actions for any Escape that shall happen afterwards.

Method of
turning over
Prisoners by the
Sheriff to his
Successour.

XVII. *AND be it further enacted, by the Authority aforesaid*, that where any Arrears of Quitrents, Levies, or Officers Fees, are or shall be due, from any Person or Persons whatsoever, and the Sheriff to whom the same ought to have been paid dies, or is removed from his Office, it shall be lawful for the succeeding Sheriff or Sheriffs to make Distress for the same, upon the Slaves, Goods, or Chattels, of the Person or Persons so chargeable, and to make Sale thereof, in the Manner by this Act before directed, to be accounted for and paid by such Sheriff to his Majesty's Receiver General, publick, County, or Parish Creditors, or such other Person or Persons to whom such Arrears shall be due; and that every Sheriff shall have and retain for all Tobacco due for publick, County, or Parish Levies, Quitrents, Secretary's, or other Officers Fees, put into his Hands to collect, an Allowance of six *per Centum* for collecting and paying the same.

Sheriff may
distrain for Ar-
rears of publick
Debts due to his
Predecessors.

Sheriff's Al-
lowance for col-
lecting publick
Debts.

XVIII. *AND be it further enacted, by the Authority aforesaid*, that the Sheriff of the County of *James City* for the Time being, and his under Sheriffs and Deputies, and every of them, shall be and are hereby empowered and authorized to summon Jurors of the Inhabitants of *James City* County, in all and every Part of the City of *Williamsburg*, as well in that Part lying in *York* as *James City*, to serve on Juries on the Days appointed for holding Courts in the said County of *James City*.

Sheriff of
James City may
summon Jurors
in *Williams-
burg*.

XIX. *AND be it further enacted, by the Authority aforesaid*, that all and every other Act and Acts, Clause and Clauses, heretofore made, for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.

Repealing
Clause.

XX. *AND be it further enacted*, that this Act shall commence and be in Force from and immediately after the tenth Day of *June*, which will be in the Year of our Lord one Thousand seven Hundred and fifty one.

Commence-
ment of this
Act.

A. D. 1748.

C H A P. VII.

An. Act concerning Juries. (a)

Grand Juries
to be summoned
to every County
Court in May
and November.

Their Duty
in presenting
Offenders
against penal
Laws.

How Present-
ments shall be
made and de-
termined.

Fines on Ju-
rors not ap-
pearing.

On Courts
not ordering
Summons.

On a Sheriff
not executing
Summons, and
returning a
Pannel.

Method of
presenting
Presentments,
where the Pe-
nalty does not
exceed 5l. or
1000l. of To-
bacco.

I. **F**OR the more regular Inquiry into the Breaches of penal Laws, and Trials of Matters of Fact, in the several Courts of Justice within this Dominion, by Grand Juries, and Petit Juries, *Be it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that every County Court shall cause twenty four Freeholders of their County, not being Ordinary Keepers, Constables, Surveyors of Highways, or Owners or Occupiers of a Mill, to be summoned to appear in *May* and *November* Courts annually, out of which shall be empanelled a Grand Jury of fifteen at least, who shall be sworn to inquire into the Breach of penal Laws, and make Presentment of the Offenders, but shall present such Offences and Breaches only as shall be committed within the Space of twelve Months before the Time of such Presentment, and no longer, unless the same be otherwise directed by Law; and such Grand Jury having presented all such Matters as come to their Knowledge shall be discharged, always observing that when they make Presentment, upon Information of any other Person than themselves, to write the Names of the Informers under such Presentment, for the more effectual Prosecution thereof. And every such Grand Jury shall and may present, and the several County Courts shall have full Power and Authority to hear and determine, all Offences made penal by the Laws of this Colony, although the Recovery of the Fines for such Offences shall be otherwise directed by the Laws inflicting the same, and although the Forfeiture or Penalty thereby inflicted shall not amount to twenty five Shillings current Money, or two Hundred Pounds of Tobacco. And if any Freeholder, being summoned, shall fail to appear as aforesaid, so as no Grand Jury can be empanelled, he shall be fined by the Court four Hundred Pounds of Tobacco, to the King, his Heirs, and Successors, for the Use of the same County, unless legal Cause of Non-Appearance be shewn, and allowed at the next Court held for such County. And if the Court of any County shall fail to order a Grand Jury to be summoned as aforesaid, or upon the Appearance of fifteen shall omit to swear a Grand Jury, every Member of such Court shall forfeit and pay four Hundred Pounds of Tobacco. And if any Sheriff, upon Order of Court, shall fail to summon twenty four Freeholders, and return a Pannel of their Names to *May* and *November* Courts annually, he shall forfeit and pay one Thousand Pounds of Tobacco; both which last mentioned Penalties shall be to the King, his Heirs, and Successors, for the Use of the County wherein the same shall be forfeited, and recoverable by Information in the General Court of this Dominion.

II. *AND be it further enacted, by the Authority aforesaid,* that when any Offence or Offences shall be presented by the Grand Jury of any County, and the Penalty or Forfeiture by Law inflicted thereon shall not exceed five Pounds current Money, or one Thousand Pounds of Tobacco, be it to the King and Informer, or to the Informer and Party only, or appropriated to any other Use whatsoever, such Presentment need not be drawn up in other Form than as the same stands presented by the Grand Jury, and thereupon the Court shall order a Summons forthwith to issue, to summon any Person or Persons so presented to appear and answer such Presentment at the next Court, and shall not admit of any Exception or Pleading to the Form or Manner thereof, but shall proceed to Trial, without the Formality of a Jury, and give Judgment upon such Presentment, according as the very Right of the Cause and Matter in Law shall appear unto them; and if the Party summoned fails to appear, the Court may give Judgment for the Penalty.

(a) See Chap. 9. in this Year, Sect. 6. concerning Venires on Criminals.

A. D. 1743.

Grand Juries
at the General
Court.Not to present
Offences under
20 s. or 200 lb.
of Tobacco.

III. AND for Presentments to be made at the General Court, *Be it further enacted, by the Authority aforesaid*, that the Sheriff or Officer attending the said Court shall summon a Grand Jury of the Bystanders, being Freeholders, who shall and may, and are hereby declared, to have full Power to make Presentments of any Offences whatsoever committed within this Colony, except such only where the Penalty inflicted by the Law in Force is under twenty Shillings, or two Hundred Pounds of Tobacco; and the Court shall have Power to hear and determine such Offences, in the same Manner as is herein before directed in the County Courts. And to the End such Grand Juries may be of the most capable Persons, it shall be lawful for the said Court, upon the first or second Day of their Sitting, to make a Rule for the Officer attending the Court to summon twenty four Persons for a Grand Jury; and if any Person so summoned shall fail to appear and attend such Court he shall be fined four Hundred Pounds of Tobacco, to the King, his Heirs, and Successors, for and towards the better Support of this Government and the contingent Charges thereof.

IV. *PROVIDED always*, that no Grand Jury shall make any Presentments of their own Knowledge, upon the Information of less than two of their own Body.

Rule in Plea
sentiments.

V. *AND be it further enacted, by the Authority aforesaid*, that for the Trial of all Causes, except Treason and Felony, both in the General Court and County Court, the Sheriff or Officer attending such Court shall, every Day the Court sits, summon a sufficient Number of the Bystanders, qualified as hereafter is directed, to attend the Court that Day, that out of them may be empanelled sufficient Juries for the Trial of Causes depending in such Court; and if any Person so summoned shall fail to attend the Court accordingly, he shall be fined four Hundred Pounds of Tobacco, to the King, his Heirs and Successors, for and towards the better Support of this Government and the contingent Charges thereof.

Sheriff shall
summon Jurors
at every Court.Fine if they
neglect to at-
tend.

VI. *AND be it further enacted, by the Authority aforesaid*, that no Person shall be capable to be of a Jury, for Trial of Treason, Felony, Breach of the Peace, Misprision of Treason, Breach of penal Law, or any other Pleas of the Crown, or of any Estate of Freehold, or Estate or Title in or to Lands, Tenements, or Hereditaments, in any Court of Record of this Dominion, or to be a Juror in any Cause whatsoever depending in the General Court, unless such Person be a Freeholder, and possessed of a visible Estate. real and personal, of the Value of one Hundred Pounds current Money at the least; and that no Person shall be capable to be of a Jury for Trial of any Cause whatsoever, in any County Court, unless he be possessed of a visible Estate, real or personal, of the Value of fifty Pounds at least; and that no Sheriff or Officer shall at any Time summon, or return, any Juror not qualified as this Act directs: *Provided always*, that no Exceptions against any Juror, on Account of his Estate, shall be allowed after he is sworn.

Qualifications
of Jurors.In the Gene-
ral Court.In County
Courts.But shall not
be challenged
for Want of
Estate after
sworn.

VII. *AND be it further enacted, by the Authority aforesaid*, that all and every other Act and Acts, Clause and Clauses, heretofore made for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.

Repealing
Clause.

VIII. *AND be it further enacted, by the Authority aforesaid*, that this Act shall commence and be in Force from and immediately after the tenth Day of June, which shall be in the Year of our Lord one Thousand seven Hundred and fifty one.

Commence-
ment of this
Act.

A. D. 1748.

C H A P. VIII.

His Majesty
gave his Assent
to this Act
31 Oct. 1751.

An Act declaring the Law concerning Executions, and for Relief of insolvent Debtors. (a)

Preamble.

I. **W**HEREAS by the common Law of England, and divers Acts of Parliament, which are binding upon the Subjects of this Colony, all Persons recovering any Debt, Damage, or Costs, by the Judgment of any Court of Record, may, at their Election, prosecute Writs of *Fieri Facias*, *Elegit*, and *Capias ad Satisfaciendum*, within the Year, for the taking the Goods, Lands, or Body, of the Person or Persons against whom such Judgment is obtained: To the End the said several Writs issuing out of any of the Courts of Record within this Dominion, and the Manner of executing and returning the same, may be uniform, and the Mischiefs arising from the incorrect Forms, and insufficient Returns of such Writs, prevented,

Writs of
Execution.

How to be
issued, and re-
turned.

15 Days, at
least, between
the Teste and Re-
turn, or more,
if the Plaintiff
desires it, but
not exceeding
90 Days.

Forms of the
Writs.

II. *BE it enacted and declared, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that the several Writs aforesaid shall be issued in the King's Name, and in the Manner following, that is to say: All such Writs issued from the Secretary's Office shall bear Teste by the Governour or Commander in Chief of this Dominion for the Time being, and shall be returnable to the eighth or twenty third Day of the next succeeding General Court. And all such Writs issued from the Clerk's Office of any County Court, or other inferiour Court of Record, shall bear Teste by such Clerk, and be returnable to his next succeeding Court, so that there be always at least fifteen Days between the Teste and Return of each of the Writs aforesaid; but if the Plaintiff in any County Court, or other inferiour Court, shall desire an Execution to issue returnable at a further Day, the Clerk shall issue the same accordingly, so as the Day of such Return be upon a Court Day, within ninety Days next after the Teste thereof. And that the Forms of the said several Writs shall be as follows, mutatis mutandis, to wit:*

A *Fieri Facias* in Debt.

Against
Goods and
Chattels.

Debt.

GEORGE the Second, by the Grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, &c. To the Sheriff of County, greeting: We command you that of the Goods and Chattels of A. B. late in your Bailiwick, you cause to be made the Sum of which C. D. lately, in our General Court, hath recovered against him for Debt; also the Sum of which to the said C. D. in the same Court, were adjudged for his Damages, as well by Reason of detaining the said Debt as for his Costs in that Suit expended, whereof he is convicted, as appears to us of Record. And that you have the said before the Justices of our said Court, the Day of to render to the said C. D. of the Debt and Damages aforesaid; and have there then this Writ. Witness, &c.

The same in Case upon a Promise.

Case, Af-
sumptit.

As before unto — For his Damages, which he sustained, as well by Reason of his not performing a certain Promise and Assumption to the said C. D. by the said A. B. lately made, as for his Costs by him about his Suit in this Behalf expended, &c.

(a) See 22 Geo. 2. (1748) Cap. 6. and Notes subjoined.

22 Geo. 2. (1748) Cap. 10. Sect. 5. Goods on Leasehold Lands not to be taken in Execution till Rent paid.

7 Geo. 3. (1766) Cap. 2. Penalty for assisting Prisoners for Debt to escape.

A. D. 1748.

In Trespaſs.

— As before unto — For Damages, as well by Occaſion of a certain Trespaſs, Trespaſs by the ſaid A. B. to the ſaid C. D. offered, as for his Coſts, &c.

If for the Defendant, ſay,

— For his Coſts about his Defence, in a certain Action at the Suit of the ſaid, &c. For the De-
fendant.

In Covenant.

— As before unto — For Damages, &c, by Occaſion of the Breach of a Covenant, certain Covenant between the ſaid A. B. and C. D. lately made, &c.

The Form of a Writ of Elegit.

GEORGE, &c. greeting: Whereas A. B. at our General Court, &c. Against Lands
—, before our Juſtices held, hath recovered againſt C. D. the Sum of and Tene-
ments,
which to the ſaid Plaintiff was adjudged for a certain Debt — or Da-
mages — as before —, and the ſaid A. B. by the Statute in that Caſe made and
provided, hath choſen to have delivered to him all the Goods and Chattels of the
ſaid C. D. beſides the Oxen and Beaſts of his Plough, and alſo a Moiety of all his
Lands and Tenements in your Bailiwick, to have and to hold the Goods and Chattels
aforeſaid as his own proper Goods, and the ſaid Moiety, as his Freehold, to him and
his Aſſigns, until he ſhall have levied thereof the Debt and Damages aforeſaid,
therefore we command you that you cauſe to be delivered all the Goods and Chattels
of the ſaid C. D. beſides the Oxen and Beaſts of his Plough, and alſo a Moiety of all
his Lands and Tenements in your Bailiwick, whereof he at the Day of obtaining the
ſaid Judgment was ſeized, or at any Time afterwards, by reaſonable Price and
Extent; to have and to hold the ſaid Goods and Chattels, to him the ſaid A. B.
as his own proper Goods and Chattels, and the ſaid Moiety, as his Freehold, to him
and his Aſſigns, according to the Form of the Statute aforeſaid, until he ſhall have
levied thereof the Debt and Damages aforeſaid. And that you certify our ſaid
Juſtices, under your own Seal, and the Seals of thoſe by whoſe Oath you ſhall make
this Extent and Appraiſement, how you execute this Writ, the Day of
and have then there this Writ, &c.

A Capias ad Satisfaciendum.

GEORGE &c. greeting: We command you that you take A. B. late of Against the
if he be found within your Bailiwick, and him ſafely keep, ſo that you Body.
have his Body before our Juſtices of our General Court, &c. — the Day of
to ſatisfy C. D. the Sum of which the ſaid C. D. hath recovered
againſt him for Debt, alſo, &c. as before —

In Caſe, Trespaſs, or Covenant, as in the Fieri Facias's.

WHICH ſaid Writs ſo iſſued ſhall be executed by the Sheriff, or other Forms of the
Officer or Miniſter to whom the ſame ſhall be directed, and ſhall be returned Returns.
according to the reſpective Forms hereafter mentioned, to wit:

The Return of a Fieri Facias.

BY Virtue of this Writ to me directed, I have cauſed to be made the within Fieri Facias,
mentioned Sum of of the Goods and Chattels of the within named A. B. executed.
which ſaid Sum of before the Juſtices within mentioned, at the Day and
Place within contained, I have ready as that Writ requires.

A. D. 1748.

Or,

Where no
Goods.

THE within named A. B. hath no Goods or Chattels within my Bailiwick, whereof I can make the Sum within mentioned.

Or,

Where Part
is levied.

BY Virtue, &c. I have caused to be made of the Goods and Chattels of the within named A. B. the Sum of which I have ready to render to the within named C. D. in Part of the Debt and Damages within mentioned; and I do further certify that the said A. B. hath no more Goods and Chattels within my Bailiwick, whereof at present I can make the Residue of the said Debt and Damages, as by the said Writ is required.

Return of a Writ of Elegit.

Elegit, exe-
cuted.

sc. INQUISITION indented, taken at in the County aforesaid, the Day of in the Year of our Lord before me E. F. Gent. Sheriff of the County aforesaid: By Virtue of a Writ of our Lord the King, to me directed, and to this Inquisition annexed, and by the Oath of G. H. I. K. &c. good and lawful Men of my Bailiwick, who, being charged and sworn, upon their Oath do say that A. B. in the said Writ to this Inquisition annexed, named, the Day of the Caption of this Inquisition was possessed of the Goods and Chattels following, as of his own proper Goods, viz. of the Price of which I, the said Sheriff, have caused to be delivered to the same C. D. to hold to him as his own proper Goods and Chattels, in Part of Satisfaction of his Debt and Damages aforesaid, in the said Writ mentioned; and further, the said Jurors upon their Oath do say that the said A. B. at the Time of rendering the Judgment aforesaid, was seized in his Demesne, as of Fee, of and in—(here name the Houses and Lands)—with the Appurtenances, of the annual Value, in all the Issues beyond Reprises, of Pounds, Acres of which, or thereabouts, are a true and equal Moiety of all and singular the Lands, Tenements, and Hereditaments whatsoever, in the County aforesaid, of the said A. B. which said Moiety I the said Sheriff, the Day aforesaid, to C. D. in the said Writ named, at a reasonable Extent have delivered, to hold to him and his Assigns, as his Freehold, according to the Form of the Statute in that Case made and provided, until he shall have levied the Residue of the Debt and Damages aforesaid as the Writ aforesaid requires; and further, the said Jurors upon their Oath do say that the said A. B. at the Time of giving the Judgment aforesaid, had not, nor at the Day of taking this Inquisition hath, any other or more Goods or Chattels, Lands, or Tenements, in the County aforesaid, to the Knowledge of the Jurors aforesaid. In Testimony whereof, as well I the said Sheriff as the Jurors aforesaid, to this Inquisition have severally put our Seals, the Day, Year, and Place, above mentioned.

Return of a Capias ad Satisfaciendum.

Capias exe-
cuted.

BY Virtue of this Writ to me directed, I have taken the within named A. B. whose Body, before the Justices within named, at the Day and Place within contained, I have ready, to satisfy C. D. of the Debt and Damages within mentioned, as within to me is commanded.

Or.

Not executed.

THE within named A. B. is not found in my Bailiwick.

III. AND whereas before the Statute made in the twenty first Year of the late King James the First it hath been questioned if any Person being in Prison, charged in Execution, by Reason of any Judgment given against him, should happen to die in Execution, whether the Party at whose Suit such Person stood charged in

Execution, at the Time of his Death, were not for ever concluded and barred to have Execution of the Lands and Goods of the Person so dying; and lest any Person of Sufficiency in real and personal Estate, intending to deceive others of their just Debts, for which he stands charged in Execution, should obstinately and wilfully choose rather to live and die in Prison than to make any Satisfaction to his Creditors: *Be it further enacted and declared, by the Authority aforesaid,* that the Party or Parties at whose Suit, or to whom any Person shall stand charged in Execution, for any Debt or Damage recovered, his or their Executors or Administrators, may after the Death of the Person so dying in Execution lawfully sue forth and have new Execution against the Lands and Tenements, Goods and Chattels, or any of them, of the Person so deceased.

A. D. 1748.

If a Debtor dies in Prison, Creditors may have new Execution against his Estate.

IV. *PROVIDED* always, that this Act shall not extend to give Liberty to any Person or Persons, their Executors or Administrators, at whose Suit any such Party shall be, and die in Execution, to have or take any new Execution against any the Lands, Tenements, or Hereditaments, of such Party dying in Execution, which shall at any Time after the said Judgment or Judgments be by him sold, *bonâ fide*, for the Payment of any of his Creditors, at whose Suit he shall be in Execution, and the Money paid, or secured to be paid, to any such Creditors, with their Privy, in Discharge of his or their Debts, or some Part thereof.

Debtor may sell his Lands, for the Benefit of such Creditors at whose Suit he is in Execution.

V. AND for the better Direction of Clerks in the issuing of Executions, *Be it further enacted, by the Authority aforesaid,* that when any Writ of Execution shall issue, and the Party at whose Suit the same is issued shall afterwards desire to take out another Writ of Execution, at his own proper Costs and Charges, the Clerk may issue the same, if the first Writ be not returned and executed; and where, upon a *Capias ad Satisfaciendum*, the Sheriff shall return that the Defendant is not found, the Clerk may issue a *Fieri Facias*; and if upon a *Fieri Facias* shall return that the Party hath no Goods, or that only Part of the Debt is levied, in such Case it shall be lawful to issue a *Capias ad Satisfaciendum* upon the same Judgment; and where Part of a Debt shall be levied upon an *Elegit*, a new *Elegit* shall issue for the Residue; and where *Nihil* shall be returned upon any Writ of *Elegit*, a *Capias ad Satisfaciendum* or *Fieri Facias* may issue, and so *vice versa*; and where one Judgment is obtained against several Defendants, Execution thereon shall issue as if it were against one Defendant, and not otherwise.

Rules in issuing the Writs.

VI. AND whereas by the common Law if a Creditor take Execution upon any Judgment or Statute, and the Debtor shall before make Alienation of Part of his Lands, and such Lands be omitted out of the Extent, the whole Execution may be avoided by *Audita Querela*, and thereby the Party extending may lose his Costs and be delayed of his just Debt; and so again, upon a new Extent, *toties quoties*; and if any one Acre of Land happens to descend to an Infant, the whole Execution must be deferred till the full Age of such Infant; and if afterwards other Part of the Lands or Tenements, liable for such Debt, shall descend to another Infant, then further Delay will happen during that Infancy also: For Remedy of which Inconveniences and Delays,

VII. *IT is hereby further enacted, and declared,* that when any Judgment, Statute, or Recognizance, shall be extended, the same shall not be avoided or delayed by Occasion that any Part of the Lands or Tenements extendible are or shall be omitted out of such Extent.

No Extent shall be avoided by Omission of Part of the Land extendible.

VIII. *SAVING* always to the Party and Parties whose Lands shall be extended, his and their Heirs, Executors, and Assigns, his and their Remedy for Contribution against such Person and Persons whose Lands are or shall be omitted out of such Extent, from Time to Time.

Saving Remedy of Contribution.

A. D. 1748.

Infant's
Lands ex-
cepted.

IX. *PROVIDED* nevertheless, that this Act, or any Thing therein contained, shall not be construed to give any Extent or Contribution against any Heir within the Age of one and twenty Years, during such Minority of such Heir, for or in Respect of any Lands to such Heir descended, further or otherwise than might have been made before the making of this Act.

Officer shall
endorse the
Time of re-
ceiving Writs
of Execution.

X. *AND* be it further enacted, by the Authority aforesaid, that no Writ of *Fieri Facias*, or other Writ of Execution, shall bind the Property of the Goods against which such Writ is sued forth but from the Time that such Writ shall be delivered to the Sheriff, under Sheriff, Coroner, or other Officer, to be executed. And for the better Manifestation of the said Time, such Sheriff, Coroner, or other Officer, his Deputy, or Agent, shall, upon the Receipt of any such Writ, without Fee for doing the same, endorse upon the Back thereof the Day of the Month, and Year, when he received the same; and if two or more Writs shall be delivered against the same Person, in the same Day, that which was first delivered shall be satisfied first.

Writs first de-
livered shall be
first satisfied.

Rules in exe-
cuting a *Fieri*
Facias.

XI. *AND* be it further enacted, by the Authority aforesaid, that when any Sheriff, or other Officer, shall take the Goods or Chattels of any Person whatsoever, by Virtue of any Writ of *Fieri Facias*, and the Owner of such Goods and Chattels shall not, within five Days after such taking, satisfy the Party suing out such Writ his Debt, Damages, and Costs, such Sheriff or Officer shall and may lawfully sell, by Auction, the Goods and Chattels so taken, or so much thereof as shall be sufficient to satisfy the Judgment, for the best Price that can be got for the same; but shall give Notice of the Time and Place of such Sale, at the Church of the Parish where such Goods shall be taken in Execution, by setting up a Note thereof before the Service begins, in some convenient or usual Place near such Church, and by publishing the same in the Churchyard, immediately after divine Service, upon the next *Sunday* after Expiration of the said five Days, which Sale shall be made the third Day after such Notice given, and not sooner.

Officer may
accept Security
for Goods
seized, until the
Day of Sale.

Payment be-
fore Sale dis-
charges the
Goods.

XII. *PROVIDED* always, that if the Owner of such Goods and Chattels shall give sufficient Security to such Sheriff, or Officer, to have the same Goods and Chattels forthcoming at the Time of Sale, it shall be lawful for the Sheriff, or Officer, to accept such Security, and to suffer the said Goods and Chattels to remain in the Possession, and at the Risk, of such Debtor, until the Time aforesaid; and if then such Owner shall tender to the Sheriff, or Officer, the Debt, Damages, and Costs, for which his Goods and Chattels were so taken, such Sheriff, or Officer, shall accept the same, and restore the said Goods to the Owner.

Or Security
to pay in three
Months.

Where
Goods taken
cannot be sold
for three
Fourths of their
Value, Officer
may sell such
upon three
Months Credit.

XIII. *PROVIDED* also, that where any Execution shall be served upon the Goods or other Estate of the Debtor, if such Debtor shall, within five Days, or at the Time of Sale, tender sufficient Sureties, approved by the Creditor, to be bound with him, to pay the Money or Tobacco for which Execution was so served, and all Costs, with lawful Interest for the same, to such Creditor, within three Months, then the Sheriff or Officer shall restore to such Debtor the Goods or Estate so taken; and where no such Security shall be offered, and the Goods or other Things taken in Execution cannot be sold for three Fourths of their Value at the least, in the Opinion of the Sheriff, or other Officer, he may set up and sell the same for Money, or for Tobacco, if the Judgment be for Tobacco, to be paid at the End of three Months, and shall take Bond of the Buyer or Buyers, with one or more sufficient Sureties, to pay the same accordingly, with Interest, to such Creditor.

Proceedings
upon Bonds
taken in Pur-
suance of this
Act.

XIV. *AND* be it further enacted, by the Authority aforesaid, that all and every Bond and Bonds, so taken in Pursuance of this Act, shall mention that

the fame was or were entered into for Goods or other Estate taken in Execution and reftored to the Debtor, or fold to the Obligor, as the Cafe fhall be; and before the Expiration of the faid three Months, fhall be returned, by the Sheriff or Officer taking the fame, to the Office of the Clerk of the Court from whence the Execution iffued, there to be fafely kept, and fhall have the Force of Judgments. And if the Money or Tobacco fhall not be paid, according to the Condition of any fuch Bond, it fhall be lawful, and full Power and Authority is hereby given to the Juftices of the Court where fuch Bond fhall be lodged, upon Motion of the Party to whom the fame is payable, to award Execution thereupon, with Cofts, provided the Obligors have ten Days Notice of fuch Motion; and upon fuch Execution the Sheriff or Officer fhall not take any Sureties for Payment of the Money or Tobacco at a further Day, but fhall levy the fame immediately. And for the better Direction of fuch Sheriff or Officer, the Clerk fhall endorfe upon the Back of every fuch Execution that no Security is to be taken.

A. D. 1748.

XV. *PROVIDED* always, that nothing in this Act contained fhall be conftrued to extend to any Execution upon any Judgment obtained againft a Sheriff, or other Collector of Levies or Officers Fees, for any Debt due to any publick or County Creditor, or for Secretary's, County Court Clerk's, Surveyor's, or other Officer's Fees, put into his Hands to collect; but fuch Executions fhall and may be proceeded upon immediately, and no Security fhall be taken, or further Time allowed, any Thing in this Act to the contrary notwithstanding.

Executions
againft Collec-
tors of publick
Debts excepted
out of this Act.

XVI. *AND* be it further enacted, by the Authority aforefaid, that no Sheriff, or other Officer, to whom any Writ of *Fieri Facias* fhall be directed, fhall take in Execution any Slave or Slaves, unlefs the Debt and Cofts mentioned in fuch *Fieri Facias* fhall amount to the Sum of ten Pounds, or two Thoufand Pounds of Tobacco, provided there be fhewn to fuch Sheriff, or Officer, by the Defendant, or any other Perfon, fufficient other Goods or Chattels of fuch Defendant, within the Bailiwick or Liberty of fuch Sheriff or Officer, upon which he may levy the Debt and Cofts mentioned in fuch *Fieri Facias*. And that no Collector of any Officer's Fees, or of publick, County, or Parifh Levies, fhall feize or make Diftreffs upon the Slave or Slaves of any Perfon for fuch Fees or Levies, if other fufficient Diftreffs can be had. And that no Sheriff, or other Officer, or Collector of Fees or Levies, fhall make or take unreafonable Seizures or Diftreffes. And if any Sheriff, or other Officer, or Collector, as aforefaid, fhall act contrary hereto, fuch Sheriff, Officer, or Collector, fhall be liable to the Action of the Party grieved, grounded upon this Act, wherein the Plaintiff fhall recover his full Cofts, although the Damages given do not exceed forty Shillings.

In what Cafes
Slaves may not
be feized.

Penalty for
making unlaw-
ful Seizure.

XVII. *AND* be it further enacted, by the Authority aforefaid, that no Execution fhall be levied, nor Diftreffs made, for Tobacco, between the laft Day of *September* and the laft Day of *December*, in any Year.

No Execution
or Diftreff for
Tobacco be-
tween 30th of
September and
31st of *Dec.*

XVIII. *AND* be it further enacted, by the Authority aforefaid, that if any Sheriff, or other Officer, or Minifter, fhall make Return upon any Writ of *Fieri Facias* that he hath levied the Debt, Damages, and Cofts, as in fuch Writ is required, or any Part thereof, and fhall not immediately pay the fame to the Party to whom the fame is payable, or his Attorney, the Clerk of the Court out of which fuch Writ iffued is hereby required, upon Request of the Party, to iffue a *Scire Facias* againft fuch Sheriff, or Officer, to have Execution againft him for the Money fo by him levied.

Procefs
againft Officer
not paying
Monies by him
levied.

XIX. *AND* if the Goods taken by any Sheriff, or other Officer, or Minifter, as aforefaid, or any Part thereof, fhall remain in his Hands for Want of Buyers, he fhall make Return accordingly, and thereupon the Writ of *Venditioni Exponas* fhall iffue, to fuch Sheriff, Officer, or Minifter directed, according to the Form following.

The Manner
of executing a
Writ of *Vendi-
tionis Exponas*.

A. D. 1748.

Form of the
Writ.

GEORGE &c. greeting: *We command you that you expose to Sale those Goods and Chattels of A. B. to the Value of which according to our Command you have taken into our Hands, and which you detain for Want of Buyers, as you have certified to our Justices of our Court, to satisfy C. D. the Sum of whereof in our said Court he hath recovered Execution against the said A. B. by Virtue of a Judgment in the said Court; and that you have, &c.*

AND thereupon such Sheriff, or Officer, shall dispose of such Goods and Chattels in any Manner, either for ready Money or upon Credit, as he and the Party prosecuting such Writ shall think best.

Method of
issuing Execu-
tion against De-
fendant in an-
other County.

XX. *AND be it further enacted, by the Authority aforesaid, that where Judgment shall be obtained in any County Court, or other inferiour Court of Record, for any Debt or Damages, and the Person against whom such Judgment shall be obtained shall remove himself and his Effects, or shall reside out of the Limits of the Jurisdiction of such Court, it shall be lawful for the Clerk of the Court where Judgment was given, at the Request of the Party for whom the same was rendered, to issue any Writ of Fieri Facias, or Capias ad Satisfaciendum, in the Form and under the Teste herein before prescribed, and to direct the same to the Sheriff of any County within this Dominion, where the Defendant, or Debtor, or his Goods, shall be found; which said Sheriff, or other Officer to whom the same shall be directed, is hereby empowered and required to serve and execute the same, and shall make Return thereof to the Court where the Judgment was given, in the Manner herein before prescribed and directed.*

Where Pri-
soners may have
Liberty of the
Rules.See 5 Geo. 3.
(1765) Cap. 6.

XXI. *AND be it further enacted, by the Authority aforesaid, that if any Person or Persons taken or charged in Execution shall enter into Bond, with good and sufficient Securities, under a reasonable Penalty, upon Condition that he or they shall not depart or go out of the Rules or Bounds of the Prison to which he or they shall be committed, it shall be lawful for the Sheriff or Officer in whose Custody such Prisoner or Prisoners shall be to permit him or them to go out of the Prison, and return at their Pleasure.*

XXII. *AND whereas it is not reasonable or just that by the Practice or Contrivance of any Debtors their Creditors should be defrauded of their just Debts, and nevertheless it hath often so happened that several Persons, having by Bonds, or other Specialties, bound themselves and their Heirs, and afterwards died seized of and in Messuages, Lands, Tenements, and Hereditaments, have, to the defrauding such their Creditors, by their last Wills and Testaments devised the same, or so disposed thereof that such Creditors have lost their just Debts: For Remedy thereof, and that it may not be in the Power of Heirs at Law to avoid the Payment of the just Debts of their Ancestors, by selling, aliening, or making over, any Lands, Tenements, or Hereditaments, liable to such Debts, before any Process be sued out against them,*

The Statute
for Relief of
Creditors
against fraudu-
lent Devises
enacted.

XXIII. *BE it further enacted, by the Authority aforesaid, that one Act of Parliament made in the third Year of the Reign of the late King William and Queen Mary, intituled An Act for Relief of Creditors against fraudulent Devises, shall be and is hereby declared to be in Force within this Colony and Dominion.*

The Method
of insolvent
Debtors Dis-
charge.

XXIV. *AND for Relief of insolvent Debtors who shall be taken in Execution, and to prevent the long Imprisonment of unfortunate People, which can be no Benefit, but may be rather a Disadvantage to their Creditors: Be it further enacted, by the Authority aforesaid, that if any Person or Persons now are, or hereafter shall be, taken or charged in Execution, and shall have remained in*

Prison by the Space of twenty Days, it shall be lawful for any Justice or Justices of the Peace of any County, City, Town, or Liberty, within this Colony, upon Petition of such Prisoner or Prisoners, by Warrant under his or their Hands and Seals, to require the Sheriff, Gaoler, or Keeper, of any Prison, within their respective Jurisdictions, to bring before the Justices, of the next Court held for such County, City, Town, or Liberty, the Body of any Person being in Prison as aforesaid, together with a List of the several Executions with which he or she is charged in the said Gaol, which Warrant every such Sheriff, Gaoler, or Keeper, is hereby commanded to obey; and Notice thereof shall be given to the Party or Parties, his or their Executors, Administrators, or Agents, at whose Suit such Prisoner shall be in Execution. And such Prisoner coming before the Justices, shall in open Court subscribe and deliver in a Schedule of his whole Estate, and make Oath and swear to the Effect following, that is to say:

A. D. 1748.
See 27 Geo. 2.
(1753) Cap. 1.
Sect. 31. How
insolvent
Debtors are to
be discharged
in the General
Court.

I A. B. do, upon my corporal Oath, in the Presence of Almighty God, solemnly swear, profess, and declare, that the Schedule now delivered, and by me subscribed, doth contain, to the best of my Knowledge and Remembrance, a full, just, true, and perfect Account and Discovery of all the Estate, Goods, and Effects, unto me any Ways belonging, and such Debts as are to me owing, or to any Person in Trust for me, and of all Securities and Contracts whereby any Money may hereafter become payable, or any Benefit or Advantage accrue to me, or to my Use, or to any other Person or Persons in Trust for me; and that I, or any other Person or Persons in Trust for me, have not Land, Money, Stock, or any other Estate, real or personal, in Possession, Reversion, or Remainder, of the Value of the Debt or Debts with which I am charged in Execution; and that I have not, directly or indirectly, sold, lessened, or otherwise disposed of in Trust, or concealed, all or any Part of my Lands, Money, Goods, Stock, Debts, Securities, Contracts, or Estate, whereby to secure the same to receive or expect any Profit or Advantage thereof, or to defraud or deceive any Creditor or Creditors to whom I am indebted, in any Wise howsoever.

Prisoner's
Oath.

So help me God.

WHICH Schedule being so subscribed in the Presence of the Justices, in open Court, is to remain with the Clerk of the Court, for the better Information of the Creditors of such Prisoners.

XXV. AND be it further enacted, by the Authority aforesaid, that all the Lands, Tenements, and Hereditaments, which shall be contained in such Schedule, for such Use, Interest, Right, or Title, as such Prisoner or Prisoners then shall have in the same, which he or she may lawfully depart withal, and also all Goods and Chattels whatsoever in such Schedule contained, shall be vested in the Sheriff of the County wherein such Lands, Tenements, Hereditaments, Goods, or Chattels, shall lie or be found; and such Sheriff is hereby authorized, empowered, and required, to sell and convey the same to any Person or Persons whatsoever, for the best Price that can be got for the same, and the Money arising by such Sale shall be by such Sheriff or Officer paid to the Creditor or Creditors at whose Suit such Prisoner or Prisoners shall be imprisoned, saving to every such Prisoner his or her necessary Apparel and Utensils of Trade.

How such
Debtor's Estate
shall be disposed
of.

XXVI. AND that after delivering in such Schedule, and taking such Oath as aforesaid, it shall be lawful for the Justices of the said Courts, by their Order, to command the Sheriff, Gaoler, or Keeper, of any Prison within their respective Jurisdictions, forthwith to set at Liberty such Prisoner, which Order shall be sufficient to discharge and indemnify such Sheriff or Officer against any Escape or Escapes, Action or Actions whatsoever, which shall or may be brought or prosecuted against him or them by Reason thereof; and if any Action shall be commenced against any Sheriff or Officer for performing his Duty in Pursuance of this Act, he may plead the general Issue, and give this Act in Evidence.

Prisoner's Dis-
charge.

Sheriff indem-
nified.

D d d

A. D. 1748.

But Creditor
may afterwards
have Execution
against such
Debtor's Estate.

XXVII. *PROVIDED* always, that notwithstanding such Discharge it shall be lawful for any Creditor or Creditors, at whose Suit such insolvent Prisoner was imprisoned, at any Time afterwards to sue out a Writ of *Scire Facias*, to have Execution against any Lands or Tenements, Goods or Chattels, which such insolvent Person shall thereafter acquire, or be possessed of.

Insolvent
Debtor's Prison
Fees to be paid
by the County,
for the first 20
Days.

Afterwards by
the Creditor.

If he refuses,
Sheriff may
release his
Prisoner.

But Creditor
may recover
such Fees of the
Debtor.

XXVIII. *AND* be it further enacted, by the Authority aforesaid, that where any Person now is, or hereafter shall be, committed for any Debt or Damages whatsoever, and shall not be able to satisfy and pay his or her ordinary Prison Fees, such of the said Fees as shall become due for the first twenty Days Imprisonment shall be discharged by the County, and the Sheriff or Gaoler may demand and recover of the Party or Parties at whose Suit such insolvent Person shall be imprisoned all such Fees as shall become due after the Expiration of the said twenty Days, until the Creditor shall agree to release such Prisoner; and if the Creditor, upon Notice thereof given to him or her, his or her Attorney or Agent, shall refuse to give Security to the Sheriff or Gaoler for Payment of such Prison Fees, or shall fail to pay the same when demanded, either in Tobacco, or Money at the Rate of ten Shillings *per* Hundred, it shall and may be lawful for the Sheriff or Gaoler to discharge such Debtor out of Prison: Provided nevertheless, that such insolvent Prisoner shall be afterwards liable to the Action of the Creditor, to recover such Fees; and such Creditor shall and may, notwithstanding his Consent to the releasing such Prisoner, at any Time afterwards sue out a *Scire Facias*, to have new Execution against the Lands and Tenements, Goods and Chattels, of such Prisoner, in Case he or she shall afterwards become possessed of any.

Executions for Sterling
shall be levied in current
Money, at 25 *per* Cent.
Exchange.

By 28 Geo. 2. (1755) Cap. 2.
this Clause altered, and
Courts to direct at what Differ-
ence of Exchange Sterling
Judgments are to be dis-
charged.

XXIX. *AND* be it further enacted, by the Authority aforesaid, that where any Writ of Execution shall, after the Commencement of this Act, sue out upon any Judgment, Decree, or Recovery, had or to be had, or obtained, in any Court of Record of this Dominion, for Sterling Money, the Sheriff or Officer to whom such Writ shall be directed shall levy the same in current Money, at the Rate of twenty five *per* Cent. Advance upon the Sterling, for Difference of Exchange, and not otherwise.

Repealing
Clause.

XXX. *AND* be it further enacted, by the Authority aforesaid, that all and every other Act and Acts, Clause and Clauses, heretofore made, for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.

Commence-
ment of this
Act.

XXXI. *AND* be it further enacted, that this Act shall commence and be in Force from and immediately after the tenth Day of *June*, which shall be in the Year of our Lord one Thousand seven Hundred and fifty one.

CHAP. IX.

His Majesty
gave his Assent
to this Act Octo-
ber 31, 1751.

An Act directing the Method of Trial of Criminals for capital Offences, and for other Purposes therein mentioned. (a)

Method of
proceeding a-
gainst Crimi-
nals, not being
Slaves, com-
mitted by a
Justice.

I. **F**OR establishing one certain and uniform Method for the Trial of Criminals for capital Offences, *Be it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that when any Person, not being a Slave, shall at any Time hereafter be committed to any County Gaol, by Precept from a Justice of the Peace, for any criminal Offence, such Justice shall forthwith issue his War-

(a) See 22 Geo. 2. (1748) Cap. 6, Sect. 5. Process in criminal Cases to be executed at any Time or Place,

rant to the Sheriff of his County, requiring him to summon the Justices of the same County to meet at their Court-House, on a certain Day in such Warrant to be appointed, not less than five, nor more than ten Days after the Date thereof, to hold a Court for Examination of the Prisoner, and of the Witnesses, and Circumstances of the Fact, wherewith he or she stands charged, and to consider whether, as the Case shall appear to them, he or she may be discharged from further Prosecution, or may be tried in the County, or must be removed from thence to be tried in the General Court, or Court of *Oyer and Terminer*, which Warrant the Sheriff is hereby required to obey and execute, and by Virtue thereof the said Justices shall and may lawfully meet, and hold Court for the Purposes aforesaid; and if upon Examination before such Court they shall be of Opinion that the Prisoner ought to be tried before the General Court, or Court of *Oyer and Terminer*, they shall enter such their Opinion upon Record, and remand the Prisoner to the County Gaol, and thereupon it shall be lawful for any two Justices of the said Court (whereof one shall be of the Quorum) by Warrant under their Hands and Seals, directed to the Keeper of the publick Gaol, to remove such Prisoner, and him or her to commit to the said publick Gaol, there to be safely kept until he or she be thence delivered by due Course of Law, by Virtue of which Warrant the Sheriff shall, as soon as he conveniently may, remove such Prisoner, and deliver him or her, together with such Warrant, to the Keeper of the said Gaol for the Time being, who is hereby required to receive such Prisoner, and him or her in his safe Custody to keep, pursuant to such Warrant to him directed. And for the better enabling the Sheriff safely to convey and deliver such Prisoner or Prisoners, it shall be lawful for the said two Justices, by Warrant under their Hands and Seals, to empower the Sheriff, as well in his own County as in all other Counties and Places he shall pass through with such Prisoner or Prisoners, to impress such and so many Men, Horses, Sloops, or Boats, as shall be necessary for the safe conveying him, her, or them, to the publick Gaol aforesaid; which Warrant the Sheriff or Officer is hereby authorized and empowered to execute, and all Persons are required to give due Obedience thereto, such Sheriff or Officer proceeding therein as the Law directs upon impressing in other Cases for the publick Service: But where the Court held for Examination of any such Prisoner as aforesaid shall be of Opinion that the Fact may be tried in the County, in such Case he or she shall be bound over to the next Grand Jury Court to be held for that County, for Trial; or, upon refusing to give sufficient Bail, shall be remanded to the County Gaol, there to remain until such Court, or until he or she shall be bailed.

A. D. 1748.

A Court to be summoned.

Commitment to the publick Gaol.

Sheriff may impress necessary Assistance.

Proceedings where the Fact may be tried in the County.

Prisoner may be bailed, if legally bailable.

II. *PROVIDED* always, that where any Person under criminal Prosecution is by Law bailable, he or she shall not be removed from the County to the publick Gaol in less than twenty Days after Recommitment, or being remanded as aforesaid, but shall and may be admitted to Bail within that Time, or at any Time afterwards before Trial.

III. *AND* be it further enacted, by the Authority aforesaid, that upon every Commitment of any Person for any capital or criminal Offence, the Justice or Justices committing him or her shall cause all the Witnesses to enter into Recognizance for their Appearance, to give Evidence at the Trial; and if upon the first Commitment the Prisoner shall desire any Witnesses on his or her Behalf to appear before the Court to be held for his or her Examination, the Sheriff, upon Request, shall forthwith summon such Witnesses to attend the said Court, and if after being remanded or committed to the publick Gaol the Prisoner shall desire any Witness or Witnesses to be summoned, the Sheriff or Goaler shall immediately give Notice thereof to the County Court Clerk, or the Clerk of the Secretary's Office, as the Case shall require, who shall thereupon forthwith issue one or more Subpœnas for such Witnesses to appear and give Evidence at the Trial.

Witnesses to be bound to appear.

Prisoner may have his Witnesses summoned.

A. D. 1743.

Public Gaoler
may impress a
Guard.Prison Fee for
keeping a Pri-
soner.Criminal's
Estate liable to
defray the Costs
of Prosecution.

IV. *AND be it further enacted, by the Authority aforesaid,* that when any General Court, or Court of *Oyer and Terminer*, shall be sitting, it shall be lawful for the Keeper of the publick Gaol, by Order of such Court, to impress a Guard for the safe keeping all such Prisoners in his Custody; and that the Fee due to the Sheriff, or publick Goaler, for keeping and dieting any such Prisoner, shall be five Pounds of Tobacco *per Day*, and no more. And where the Criminal shall be convicted, and hath Estate sufficient to defray the Charge of Prosecution, the whole shall be paid out of the Delinquent's Estate, and the County and Publick only then chargeable where no Estate, or not sufficient, can be found or discovered.

Grand Jurors
at the Court of
*Oyer and Ter-
miner*.Fine if they
fail to appear.

V. *AND be it further enacted, by the Authority aforesaid,* that it shall and may be lawful for the Sheriff of the County of *York*, and the Sheriff of the County of *James City*, for the Time being, upon Writs to them directed out of the Secretary's Office (which Writs the Clerk of the said Office is hereby empowered and required to issue six Days at least before the Day of holding every Court of *Oyer and Terminer*) to summon, each of them, twelve good and lawful Men, being Freeholders of their respective Counties, to appear and attend at such Court of *Oyer and Terminer*, which twenty four Freeholders, or so many of them as shall appear, shall be of a Grand Jury, and it shall be lawful for such Grand Jury to inquire of, and present, all Treasons, Felonies, and other Offences cognizable by the Justices of *Oyer and Terminer*, which shall have been committed or done in any County or Counties within this Colony of *Virginia*; and if any of the Freeholders so summoned shall fail to appear and attend the said Court it shall be lawful for the Justices thereof to fine every Freeholder so failing, not exceeding four Hundred Pounds of Tobacco.

Notice of
Commitments
to the publick
Gaol.Venire, for 12
Jurors of the
Vicinage.Venireman's
Pay. See 27.
Geo. 2. (1753)
Cap. 1. Sect.
24.Fine on Fail-
ure of Appear-
ance.

VI. *AND be it further enacted, by the Authority aforesaid,* that when any Person shall be committed to the publick Gaol of this Colony for Treason or Felony, for which such Person may be tried before the Court of *Oyer and Terminer*, or before the General Court, the Sheriff or other Officer bringing such Person to the publick Gaol shall immediately give Notice to the Clerk of the General Court for the Time being of such Commitment, and the Cause thereof, and the Parish and County where the Fact for which such Person was committed shall be alleged to be done, and thereupon the said Clerk shall issue a Writ, directed to the Sheriff of the County where such Fact was committed, thereby commanding him to cause to come twelve good and lawful Freeholders of his County, residing as near as may be to the Place where the Fact is alleged to have been committed, before the Justices of *Oyer and Terminer* on the first Day of that Court, or the Justices of the General Court on the sixth Day thereof, then next coming, and to return a Pannel of their Names, which twelve Freeholders so returned, or so many of them as shall appear, not being challenged, together with so many other good and lawful Freeholders of the Bystanders as shall make up the Number of twelve Men, shall be and are hereby declared to be a lawful Jury for the Trial of any Person or Persons indicted of Treason or Felony, committed or done in any County or Counties of this Colony, before the Justices of the Court of *Oyer and Terminer*, and the Justices of the General Court respectively; and every Venireman so summoned, appearing and attending such Court, shall be entitled to the same Allowance for travelling and Attendance as by Law is provided for Witnesses at the General Court. And if any Person so summoned, and returned on the Pannel to serve on the Petit Jury, before the Justices of *Oyer and Terminer*, shall fail to appear and attend, it shall be lawful for the Justices of the said Court to fine every Person so failing, not exceeding four Hundred Pounds of Tobacco; which said Fines herein before mentioned shall be to our Sovereign Lord the King, his Heirs and Successours, for the better Support of the Government of this Colony and the contingent Charges thereof.

VII. *AND* be it further enacted, by the Authority aforeſaid, that in all Trials for capital Offences the Priſoner, upon his Petition to the Court, ſhall be allowed Counſel; and that no Perſon ſhall be qualified to be of the Petit Jury, for the Trial of Treason, Felony, or other criminal Offence, in the Court of *Oyer and Terminer*, who ſhall not be a Freeholder, and poſſeſſed of an Eſtate, real and perſonal, of the Value of one Hundred Pounds current Money at the leaſt: But no Exception taken to a Juryman for the Inſufficiency of his Eſtate ſhall be allowed, unleſs the ſame be made before he is ſworn of the Jury; and if any Challenge ſhall be made for the King of any of the twelve Jurors ſo as aforeſaid returned by the Sheriff of the County where the Fact is alleged to be done, good Cauſe of ſuch Challenge ſhall be ſhown.

A. D. 1748.
Prisoner may have Counſel.

Qualifications of a Juror.

Inſufficiency of Eſtate no Cauſe of Challenge after a Juror is ſworn. Challenge for the King ſhall be upon good Cauſe.

VIII. *BUT* forasmuch as the ſummoning twelve Freeholders from the County where the Fact is committed is very burthenſome and expenſive to the Publick, as well as grievous to many of his Maſteſty's Subjects, who live in the remote Counties, and moſt of the Felonies and other capital Offences committed in this Colony are perpetrated and done by Perſons who have been convicted of Felony, or other Crimes, in *Great Britain* or *Ireland*, and there ſentenced to be transported for the ſame, and it can be no Benefit to ſuch Perſons, who are commonly Servants, and little known in the Neighbourhood where they live, to have a Jury of the Vicinage, but they may be as fairly and impartially tried by a Jury of the Byſtanders: *Be it therefore further enacted, by the Authority aforeſaid*, that when any Perſon, charged with a capital Offence, ſhall be examined before the Court for that Purpoſe to be ſummoned and held, ſuch Court ſhall have full Power and Authority to inquire, by ſuch Means as they ſhall think neceſſary, whether ſuch Perſon has been convicted in *Great Britain* or *Ireland* of any Felony or other Crime, and there ſentenced to be transported for the ſame, and whether the Time for which ſuch Perſon was ſentenced to be transported be expired, and if it ſhall appear to ſuch Court that the Criminal has been ſo convicted and ſentenced, and that the Term of Transportation is not expired, the Court ſhall cauſe the ſame to be recorded, and the Clerk of the Court ſhall certify ſuch Record upon the Back of the Warrant of Commitment to the publick Gaol; and upon ſuch Certificate, ſo endorsed, the Clerk of the General Court ſhall not iſſue any Writ to ſummon a Jury of Freeholders of the County where the Fact is alleged to be committed, but ſuch Perſon ſhall be tried by a Jury of the Byſtanders, in the General Court, or Court of *Oyer and Terminer*.

Rules in Trials of Convicts for capital Offences.

PROVIDED nevertheless, that no Perſon ſhall be qualified to be of ſuch Jury unleſs he be a Freeholder, and poſſeſſed of an Eſtate, real and perſonal, of the value of one Hundred Pounds current Money at leaſt.

AND that upon every ſuch trial the Priſoner ſhall have Benefit of Challenges, and all other Advantages which he or ſhe might or could have if the Trial was by a Jury of the Vicinage.

IX. *AND* for ſettling the Law in Relation to the Benefit of Clergy to be allowed to Felons convict, *It is hereby further enacted, and declared*, that where by any Act of the Parliament of *England* made before the fourth Year of the Reign of the late King *James* the firſt, the Benefit of Clergy is taken away from any Offence, the ſame ſhall be adjudged to be taken away from the like Offence committed in this Colony, in Reſpect to Principals and Acceſſories ſtanding mute, or challenging a greater Number of the Jury than the Law allows; and that where a Man convicted of Felony may demand the Benefit of his Clergy, if a Woman be convicted of the ſame, or the like Offence, upon her Prayer to have the Benefit of this Act, Judgment of Death ſhall not be given againſt her upon ſuch Conviction, nor Execution awarded upon any Outlawry for ſuch Offence, but ſhe ſhall ſuffer the ſame Punishment as a Man ſhould ſuffer that has the Benefit of Clergy

Where Felons convict ſhall have the Benefit of Clergy without reading.

See 3 and 4 Geo. 2. (1730) Cap. 3. Benefit of Clergy taken away for certain Offences.

A. D. 1748.

allowed him in the like Cafe, that is to fay, fhall be burnt in the Hand by the Gaoler, in open Court, and fhall be afterwards dealt with as a Man in like Cafe might be. And if any Perfon be convicted of a Felony for which he ought to have the Benefit of Clergy, and fhall pray to have the Benefit of this Act, he fhall not be required to read, but without any reading fhall be allowed, taken, and reputed to be, and punished, as a Clerk convict, which fhall be as effectual, to all Intents and Purpofes, and as advantageous to him, as if he had read as a Clerk, any Law or Statute to the contrary notwithstanding.

Convicts under Sentence of Transportation, free Negroes, Mulattoes, and Indians, fhall not be Witneffes, except for or againft Convicts, Negroes, &c.

X. AND whereas Convicts, as well as Negroes, Mulattoes, and Indians, are commonly of fuch corrupt Principles that their Testimony cannot be depended upon, to prevent the Mifchiefs which may happen by admitting fuch precarious Evidence, *Be it further enacted, by the Authority aforefaid*, that no Perfon convicted and sentenced to Transportation, as is herein before recited, fhall be admitted in any Court of this Colony, or before any Juftice of Peace, to be sworn as a Witnefs, or to give Evidence in any Cafe, civil or criminal, except againft or between any other Convicts, until the Term for which fuch Perfon was sentenced to be transported fhall appear to be fully expired; and that no free Negro, Mulatto, or Indian, fhall be admitted or sworn a Witnefs, in any Cafe whatsoever, except againft or between Negroes, Mulattoes, or Indians.

Repealing Clause.

XI. *AND be it further enacted, by the Authority aforefaid*, that all and every other Act and Acts, Clause and Clauses, heretofore made for or concerning any Matter or Thing within the Purview of this Act, fhall be and are hereby repealed.

Commencement of this Act.

XII. *AND be it further enacted, by the Authority aforefaid*, that this Act fhall commence and be in Force from and immediately after the tenth Day of June, which fhall be in the Year of our Lord one Thousand feven Hundred and fifty one.

C H A P. X.

His Majesty gave his Affent to this Act October 31, 1751.

An Act for the better fecuring the Payment of Rents, and preventing the fraudulent Practices of Tenants.

The Method of proceeding in Distrefs for Rent.

I. *BE it enacted, by the Lieutenant Governour, Council, and Burgeffes, of this prefent General Affembly, and it is hereby enacted, by the Authority of the fame*, that where any Goods or Chattels fhall be diftrained for any Rent referved and due upon any Demife, Leafé, or Contract whatsoever, and the Tenant, or Owner of the Goods fo diftrained, fhall not, within ten Days after fuch Diftreff taken, and Notice thereof, and the Cafe of fuch taking left at the chief Mansion-Houfe, or other moft notorious Place on the Premifes, charged with the Rent diftrained for, replevy the fame, by fufficient Security given to the Sheriff, or Officer ferving fuch Diftreff, to pay the Money or Tobacco, and all Cofts, with lawful Intereft for the fame, at the End of three Months, in fuch Cafe fuch Sheriff or Officer fhall and may fell the Goods and Chattels fo diftrained, by publick Auction, to the higheft Bidder, either for Money or Tobacco, according as the Rent referved fhall be due and payable, in the like Manner as Goods or Chattels taken in Execution; and all Bonds and Securities taken upon fuch Sale fhall be returned by the Sheriff or Officer, and be of the like Force, and leviable when due, in the fame Manner as Bonds taken upon executing a Writ of *Fieri Facias*.

Where the Diftreff is for Tobacco, between 30th of Sept and 31ft of Dec.

II. *PROVIDED* always, that when Diftreff fhall be made for Tobacco, between the laft Day of *September* and the laft Day of *December*, in any Year, and the Goods diftrained fhall not be replevied as aforefaid, fuch Goods fhall be fold, and Security taken for paying the Tobacco by the firft Day of *January* then

next; and the Bonds taken for the same, and Costs of Seizure and Sale, shall be by the Officer delivered to the Landlord for whom Distress was made. *A. D. 1743.*

III. *AND be it further enacted, by the Authority aforesaid,* that in Case any Distress and Sale shall be made, under Colour of this Act, for Rent pretended to be in Arrear and due, where in Truth no Rent is arrear or due, to the Person or Persons distraining, or to him, her, or them, in whose Name or Names, or Right, such Distress shall be taken as aforesaid, then the Owner of the Goods and Chattels so distrained and sold, his Executors, or Administrators, shall have Remedy, by Action of Trespass, or upon the Case, against the Person and Persons so wrongfully distraining, or either of them, his, her, or their Executors and Administrators, and shall recover double the Value of the Goods and Chattels so distrained and sold, together with full Costs of Suit. *Remedy in Case of wrongful Distress.*

IV. *AND be it further enacted, by the Authority aforesaid,* that upon any Pound Breach, or Rescous, of Goods or Chattels distrained for Rent, the Person or Persons grieved thereby shall, in a special Action upon the Case for the Wrong thereby sustained, recover treble Damages, with Costs of Suit, against the Offender and Offenders in any such Rescous or Pound Breach, or either of them, or against the Owner of the Goods distrained, in Case the same be afterwards found to have come to his or her Use or Possession. *Treble Damages upon Pound Breach, or a Rescous.*

V. *AND be it further enacted, by the Authority aforesaid,* that no Goods or Chattels whatsoever, lying or being in or upon any Messuage, Lands, or Tenements, which are or shall be leased for Life or Lives, Term of Years, at Will, or otherwise, shall at any Time hereafter be liable to be taken by Virtue of any Writ of Execution, or on any Pretence whatsoever, unless the Party so taking the same shall, before Removal of the Goods from off such Premises, pay or tender to the Landlord, or Lessor thereof, or his Agent, all the Money or Tobacco due for the Rent of the said Premises at the Time of taking such Goods or Chattels in Execution. *Goods upon Leasehold Lands may not be taken in Execution, without paying the Rent arrear.*

VI. *PROVIDED nevertheless,* that such Rent arrear do not amount to more than one Year's Rent; and if more be due, then the Party suing out such Execution, paying or tendering to such Landlord, or his Agent, one Year's Rent, may proceed to execute his Judgment: And the Sheriff or Officer serving the same is hereby empowered and required to levy, and pay to the Plaintiff, as well the Money or Tobacco so paid for Rent as the Execution Money. *But not for more than one Year.*

VII. *AND be it further enacted, by the Authority aforesaid,* that where any Landlord shall have sufficient Grounds to suspect that his Tenant will remove, with his Effects, out of the County, before the Expiration of his Term, so as no Distress for the said Rent can be made, it shall be lawful for such Landlord to go before any Justice of the Peace, of the County where the Lands leased do lie, and make Oath what Rent the Tenant is to pay, and at what Time the same will be due, and that he has just Cause to suspect, and verily believes, such Tenant will remove his or her Effects out of the County before Time of Payment; and thereupon such Justice may, and is hereby empowered and required, to issue an Attachment against the Goods and Chattels of such Tenant, returnable to his next County Court, and if such Tenant shall not, at the Time of serving such Attachment, or before, or at such next Court, enter into Recognizance, with one or more sufficient Sureties, for the Payment of the said Rent at the Time it shall become due, it shall be lawful for such Court, and they are hereby required, to order the Goods attached to be sold by the Sheriff, at publick Auction, for Money or Tobacco, according to the Reservation of the Rent, to be paid at the Time the Rent shall become due, the Purchasers giving good Security for such Payment, and to assign the Bonds taken for the same, and the Costs, to such Landlord; and the Overplus of such Sale, if any, besides the Charges of Attachment and Sale, to return to the Owner. *Where Tenant is suspected of removing, the Landlord may have Attachment.*

A. D. 1748.

Goods carried off may be seized within 10 Days.

* Demise in the Roll.

VIII. AND that in Case any Lessee for Life or Lives, Term of Years, at Will, or otherwise, of Messuages, Lands, or Tenements, upon the Demise whereof any Rents are or shall be reserved, or made payable, shall at any Time fraudulently or clandestinely convey or carry off or from such * demised Premises his Goods or Chattels, with Intent to prevent the Landlord or Lessor from distraining the same for Arrears of Rent so reserved, it shall be lawful for such Lessor or Landlord, or any Person or Persons by him for that Purpose lawfully empowered, within ten Days next after such conveying away or carrying off such Goods and Chattels, to take and seize the same wherever they shall be found, as a Distress for the Arrears of such Rent, and the same to sell, in like Manner as if they actually had been distrained by such Lessor or Landlord in and upon the demised Premises.

But not if sold before Seizure.

IX. *PROVIDED* always, that no Goods or Chattels so carried off, and *bonâ fide* sold for a valuable Consideration, before such Seizure made, shall be afterwards liable to be so taken or seized for any Arrears of Rent.

Rent arrear upon Lease for Life recoverable by Action of Debt.

X. *AND* be it further enacted, by the Authority aforesaid, that any Person or Persons having Rent in Arrear, or due, upon any Lease or Demise for Life or Lives, may bring an Action or Actions of Debt for such Arrears of Rent, in the same Manner as if such Rent were due, and reserved upon a Lease for Years.

How Rent arrear may be distrained after Determination of the Lease.

XI. AND that it shall be lawful for any Person or Persons, having Rent in Arrear, or due, upon any Lease for Life or Lives, or for Years, or at Will, ended or determined, to distrain for such Arrears after the Determination of the respective Leases, in the same Manner as if such Lease or Leases had not been determined.

Proviso.

XII. *PROVIDED*, that such Distress be made within six Months after the Determination of such Lease, and during the Continuance of such Landlord's Title or Interest, and during the Possession of the Tenant from whom such Arrears became due.

Saving Debts due to the King.

XIII. *PROVIDED* also, and it is hereby enacted, and declared, that nothing in this Act contained shall extend, or be construed, to let, hinder, or prejudice his Majesty, his Heirs and Successors, in the levying, recovering, or seizing, any Debts, Fines, Penalties, or Forfeitures, due, payable, or answerable, to his Majesty, his Heirs and Successors; but that the same may be levied, recovered, and seized, in the same Manner as if this Act had never been made.

Repealing Clause.

XIV. *AND* be it further enacted, by the Authority aforesaid, that all and every other Act and Acts, Clause and Clauses, heretofore made for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.

Commencement of this Act.

XV. *AND* be it further enacted, that this Act shall commence and be in Force from and immediately after the 10th Day of June, which shall be in the Year of our Lord one Thousand seven Hundred and fifty one.

C H A P. XI.

His Majesty gave his Assent to this Act October 31, 1751.

An Act for the Settlement and Regulation of Ferries, and for Dispatch of publick Expresses.

Publick Ferries appointed.

I. *BE* it enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that Ferries be constantly kept at the Places hereafter named, and that the Rates for passing the said Ferries be as follows, viz,

D. 1748.

On James River, and the Branches thereof.

	For	
	a Man.	Horfe.
	s. d.	s. d.
From the Land of Henry Batte, in Henrico County, to the Glebe Land at Varina,	0 3½	0 3½
From Westover, in Charles City County, to Maycox, or Coggin's Point, and from Maycox to Westover,	0 7½	0 7½
From Kennon's to Maye's, on Appamattox River, and from Maye's to Kennon's,	0 3½	0 3½
From Joseph Wilkins's, or John Hood's Land, in Prince George County, to John Minge's Land, in Wyanoke,	0 7½	0 7½
From Hog Island, in Surry County, to Higginson's Landing, on Col. Lewis Burwell's Land, so long as the Ferrykeeper will at his own Charge keep a sufficient Bridge over Hog Island Creek; and upon Failure thereof, from Hog Island Main, to the End the said Bridge may never become a County Charge, and from the said Higginson's Landing to Hog Island; or upon Failure as aforesaid, to the Main,	1 3	1 3
At Williamsburg from Princess Anne Port to Hog Island,	2 6	—
For a Man and Horfe,	4 0	—
(a) From Swan's Point to Jamestown,	0 7½	0 7½
(b) From Crouch's Creek to Jamestown,	1 0	1 0
From Jamestown to the two last mentioned Places respectively, the same.		
At Chicabominy, the usual Place on each Side the River,	0 6	0 6
From Cowles's to Williams's,	0 3½	0 3½
From Cowles's to Hamner's Point,	0 6	0 6
From Cokefield's Point, in Nansemond County, to Robert Peale's, near Sleepy Hole,	0 6	0 6
From Hampton Town Point to Brooke's Point,	0 3	0 3
From Hampton Town to Sewell's Point,	3 0	3 0
From Norfolk Town to Sawyer's Point, or Crawford's, and from Crawford's to Norfolk Town,	0 6	0 6
From Crawford's to Powder Point,	0 4	0 4
From Bolling's Point, in Henrico County, over Appamattox River,	0 2	0 2
From Bermuda Hundred to City Point,	1 0	1 0
From City Point to Shirley Hundred, at the Ship Landing, and from the said Landing to City Point,	1 0	1 0
From the Ship Landing, at Shirley, to Bermuda Hundred,	0 6	0 6
From the Hemp Landing, at the Falls of James River, to Shockoe's, on the Land of William Byrd, Esq.	0 4	0 4
From the Land of Stephen Woodson, in the County of Goochland, to Manacon Town,	0 3	0 3
From Henry Cary's Land, over the River, to the Land of the said Cary,	0 3	0 3
From Henry Batte's, in the County of Henrico, to Alexander Bolling's, in the County of Prince George,	0 3	0 3
From the Land of Col. Richard Bland, in the County of Prince George, to the Land of Mrs. Anderson, in the County of Charles City,	0 7½	0 7½
From the Land of William Pride, called the Store Landing, in the County of Henrico, to Anthony's Landing, in the County of Prince George,	0 3	0 3
From the said Store Landing, over Persie's Stile Creek, to the Land of Peter Baugh,	0 3	0 3
From the Warehouse Landing, at Warwick, to the Land of Thomas Mosely,	0 3	0 3

(a) By 7 Geo. 3. (1766) Cap. 25. Rates increased to 1 s.

(b) By same Act to 1 s. 3 d.

Discontinued by 30 Geo. 2. (1757) Cap. 4.

Discontinued by 30 Geo. 2. (1757) Cap. 4.

Discontinued by 30 Geo. 2. (1757) Cap. 4.

A. D. 1748.

	s. d.	s. d.
For Man.	Horfe.	
From the Town of <i>Southampton</i> to the Borough of <i>Norfolk</i> , and to <i>Nansemond</i> Town,	7 6	7 6
But if there be more than one fingle Man and Horfe,	5 0	5 0
And the fame Rates from <i>Norfolk</i> and <i>Nansemond</i> to <i>Southampton</i> .		
From <i>Mulberry Island</i> Point, in the County of <i>Warwick</i> , to <i>Cocket's</i> , in <i>Isle of Wight</i> , and from <i>Cocket's</i> to <i>Mulberry</i> <i>Island</i> ,	1 3	1 3
From the Land of <i>Richard Moseby</i> , in <i>Goochland</i> County, to the Land of <i>Tarlton Fleming</i> , opposite to <i>Moseby's</i> Landing,	0 3	0 3
From the Land of <i>Tucker Woodson</i> to the Land of <i>Paul Micheaux</i> , near the Court-House,	0 3	0 3
From the Land of <i>Bennet Goode</i> to the Land of Col. <i>John Fleming</i> ,	0 3	0 3
From the Land of <i>James Fenly</i> to the Land of <i>William Cabbell</i> , cross the <i>Fluvannah</i> ,	0 3	0 3
From <i>Charles Lynch's</i> Plantation, in <i>Albemarle</i> County, on the <i>Rivannah</i> , cross the faid River, to the Land of <i>Richard</i> <i>Meriwether</i> ,	0 3	0 3
From the Land of Mr. <i>Benjamin Cocke</i> , cross the faid River, to the Land of the faid <i>Benjamin Cocke</i> ,	0 3	0 3
From the Land of <i>Ashford Hughes</i> , on the north Side of <i>James</i> River, near the Mouth of <i>Willis's</i> Creek, cross the faid River, to the Land of <i>Robert Carter</i> , and from the faid <i>Carter's</i> to the faid <i>Hughes's</i> ,	0 3	0 3
From the Land of <i>Lemuel Riddick</i> , adjoining to the publick Wharf in <i>Suffolk</i> , cross <i>Nansemond</i> River, to <i>Samuel Jordan's</i> Land,	0 4	0 4
From the Land of <i>William Pride</i> , in the County of <i>Henrico</i> , on <i>Appamattox</i> River, above the narrow Falls, to the Land of the faid <i>Pride</i> , over the River, in <i>Prince George</i> County,	0 2	0 2
From the Land of <i>William Cabbell</i> , in <i>Albemarle</i> County, at the Mouth of <i>Swan's</i> Creek, over the <i>Fluvannah</i> , to the Land of <i>Samuel Spencer</i> , or from the faid <i>Cabbell's</i> , over <i>Tye</i> River, to his Land opposite,	0 3	0 3

Discontinued
by 29 Geo. 2.
(1756) Cap. 2.
which Act was
suspended, and
uncertain whe-
ther assented to.

On York.

From <i>Chamberlayne's</i> to <i>Williams's</i> , or <i>Williams's</i> to <i>Chamberlayne's</i> ,	0 6	0 6
From <i>Brick House</i> to <i>West Point</i> , or <i>West Point</i> to <i>Brick House</i> ,	0 9	0 9
From <i>Brick House</i> to <i>Dudley's</i> , or <i>Dudley's</i> to <i>Brick House</i> ,	1 0	0 10 $\frac{1}{2}$
From <i>Webb's</i> to <i>Lyde's</i> , formerly <i>Spencer's</i> , in <i>King William</i> County,	0 6	0 6
From <i>Thomas Crenshaw's</i> to the usual Landing Place,	0 3	0 3
From <i>Temple's</i> Landing, over <i>Mattapony</i> River,	0 3	0 3
From <i>West Point</i> to <i>Dudley's</i> , or <i>Dudley's</i> to <i>West Point</i> ,	0 6	0 6
From <i>York Town</i> to <i>Tindal's</i> Point, or <i>Tindal's</i> Point to <i>York</i> ,	0 7 $\frac{1}{2}$	0 7 $\frac{1}{2}$
From <i>Capahosick</i> to <i>Scimino</i> ,	1 3	1 3
From <i>Seaton's</i> , over <i>Pianketank</i> ,	0 6	0 6
From <i>Frazier's</i> to <i>Broach's</i> , and from <i>Broach's</i> to <i>Frazier's</i> ,	0 6	0 6
From <i>Walker Town</i> to <i>Waller's</i> , or <i>Waller's</i> to <i>Walker Town</i> ,	0 3 $\frac{1}{2}$	0 3 $\frac{1}{2}$
From <i>Turk's</i> Ferry over <i>Pianketank</i> ,	0 3 $\frac{1}{2}$	0 3 $\frac{1}{2}$
From <i>Robert King's</i> , over <i>Pamunkey</i> , to <i>Blackwell's</i> , or from <i>Blackwell's</i> to <i>King's</i> ,	0 3	0 3
From <i>Sweetball</i> to <i>Claiborne Gooch's</i> , or from <i>Claiborne Gooch's</i> to <i>Sweetball</i> ,	0 6	0 6
From <i>George Dabney's</i> over <i>Pamunkey</i> River,	0 3	0 3
From <i>Taylor's</i> , in <i>King William</i> , to <i>Garland's</i> , in <i>Hanover</i> ,	0 3	0 3
From <i>William Pulliam's</i> , in <i>Hanover</i> , to <i>John Holliday's</i> , in <i>Caroline</i> ,	0 3	0 3

	For Man.	Horfe.	A. D. 1748.
	s. d.	s. d.	
From <i>Richard Littlepage's</i> to <i>Thomas Claiborne's</i> Land, over <i>Pamunkey</i> , and from <i>Claiborne's</i> to <i>Littlepage's</i> ,	0 6	0 6	
From <i>Todd's</i> Warehouse Landing, in <i>King and Queen</i> , to the Land of <i>Robert Armistead Byrd</i> , in <i>King William</i> ,	0 2	0 2	

Rappahanock.

From <i>Whiting's</i> to <i>Gilbert's</i> ,	2 0	2 0
From the Land of <i>Thomas Ley</i> to <i>Robinson's</i> , or from <i>Robinson's</i> to <i>Ley's</i> ,	0 6	0 6
From <i>Byrd's</i> to <i>Williams's</i> , or from <i>Williams's</i> to <i>Byrd's</i> ,	1 3	1 3
From <i>Tappahanock</i> Town to <i>Carter's</i> , or to <i>Rappahanock</i> Creek, on either Side thereof,	1 3	1 3
From <i>Tankersley's</i> , over <i>Rappahanock</i> River, to the usual Place,	0 4	0 4
From <i>Germanna</i> over the <i>Rapidan</i> ,	0 3	0 3
From <i>Kay's</i> Plantation to <i>Skinker's</i> ,	0 4	0 4
From <i>Urbanna</i> to <i>Chetwood's</i> ,	2 0	2 0
At <i>Urbanna</i> , from the <i>Ferry Landing</i> to <i>Locust Point</i> , on the Land of <i>Ralph Wormeley, Esq;</i>	0 3	0 3
From <i>Johnston's</i> Plantation, in <i>Spotsylvania</i> , to <i>Washington's</i> , in <i>King George</i> ,	0 3	0 3
From <i>Taliaferro's</i> Plantation of the <i>Mount</i> to the Land of <i>Joseph Berry</i> ,	0 4	0 4
From <i>Philemon Cavanaugh's</i> Ford,	0 3	0 3
From the Wharf above the Mouth of <i>Massaponax</i> Creek to the opposite Landing, upon <i>Mr. Ball's</i> Land,	0 3	0 3
From <i>Fredericksburg</i> Warehouse to the Land of <i>Anthony Strother</i> , or <i>Strother's</i> to <i>Fredericksburg</i> ,	0 3	0 3
From <i>Roy's</i> Warehouse to <i>Gibson's</i> Warehouse,	0 4	0 4
From <i>William Lowry's</i> to the Land of <i>Benjamin Rust</i> , or from <i>Rust's</i> to <i>Lowry's</i> ,	1 0	1 0
From <i>Falmouth</i> to the Land of <i>Francis Thornton</i> , in <i>Spotsylvania</i> ,	0 3	0 3
From <i>Hackley's</i> Land, in <i>King George</i> , to <i>Corbin's</i> , in <i>Caroline</i> ,	0 3	0 3
From the Lot of <i>Joseph Morton</i> , in <i>Leeds Town</i> , to the Land of <i>Mrs. Brooke</i> ,	0 8	0 8
From the lower Side of <i>Parrot's</i> Creek to <i>Teague's</i> Creek, on the Land of <i>Baldwin Matthews Smith</i> , and from that Creek to the lower Side of <i>Parrot's</i> Creek,	1 6	1 6

Potomack.

From Colonel <i>William Fitzbugh's</i> Land, at <i>Boyd's Hole</i> , over to <i>Maryland</i> ,	2 6	2 6
From <i>Hoe's</i> to <i>Cedar Point</i> ,	2 0	2 0
From <i>Tripplit's</i> Land, below the Mouth of <i>Quantico</i> Creek, over to <i>Brooks's</i> Land,	1 6	1 6
From <i>Robert Lovell's</i> , in the County of <i>Westmoreland</i> , over to <i>Maryland</i> ,	2 6	2 6
From the Land of <i>William Ruffel</i> , on <i>Sherando</i> , crosses into the Fork, or crosses the main River,	0 3	0 3
From <i>Kersey's</i> Landing, on Col. <i>Carter Burwell's</i> Land, to the Land of Col. <i>Landon Carter</i> ,	0 3½	0 3½
From <i>Gersham Key's</i> Land to the Land of the Honourable <i>William Fairfax, Esq;</i>	0 3½	0 3½
At <i>William's</i> Gap, from the Land of the Right Honourable the Lord <i>Fairfax</i> , where <i>John Melton</i> now lives, to the Land of <i>Ralph Wormeley, Esq;</i>	0 3½	0 3½

A. D. 1748.

	For Man.	Horse.
	s. d.	s. d.
From the Plantation of <i>George Mafon</i> , oppofite to <i>Rock Creek</i> , over } to <i>Maryland</i> ,	0 4	0 4
From the Plantation of <i>John Hereford</i> , in <i>Doeg's Neck</i> , over the } River, to the lower Side of <i>Pamunkey</i> , in <i>Maryland</i> ,	1 0	1 0
From <i>Hunting Creek Warehouse</i> to <i>Frazier's Point</i> , or <i>Addifon's</i> ,	1 0	1 0
From the Land of <i>Ebenexer Floyd</i> to <i>Powell's</i> ,	0 6	0 6
From <i>Evan Watkins's Landing</i> , oppofite to <i>Canagochebo Creek</i> , to } <i>Edmund Wade's Land</i> , in <i>Maryland</i> ,	0 3	0 3
From the Land of <i>William Clifton</i> to the Land of <i>Thomas Wallis</i> ,	1 0	1 0
From the Land of <i>Hugh Weft</i> to <i>Frazier's</i> , or <i>Addifon's</i> ,	1 0	1 0

Nottoway.

From <i>Thomas Drew's Land</i> to <i>Dr. Brown's</i> ,	0 3	0 3
From <i>Bolton's Ferry</i> to <i>Simmons's Land</i> ,	0 3	0 3

Eastern Shore.

From *York, Hampton, and Norfolk Towns*, to the Land of *Littleton Eyre*, on *Hungar's River*, or from thence to either of the aforefaid Places, for a Man or Horse, paffing fingly, twenty Shillings; for a Man and Horse, or if there be more, for each fifteen Shillings.

And for the Transportation of Wheel Carriages, Tobacco, Cattle, and other Beast, at any of the Places aforefaid, the Ferrykeeper may demand and take the Rates following, viz.

Wheel Car- riages.	For every Coach, Chariot, or Waggon, and the Driver thereof, the fame as for fix Horses.
	For every Cart, or four Wheel Chaise, and the Driver of fuch Chaise, as for four Horses.
	For every two Wheel Chaise, or Chair, as for two Horses.
Tobacco.	For every Hoghead of Tobacco as for one Horse.
Cattle.	For every Head of neat Cattle as for one Horse.
Sheep, or Goat.	For every Sheep, Goat, or Lamb, one fifth Part of the Ferriage of one Horse.
Hogs.	For every Hog one Fourth of the Ferriage of one Horse.
	According to the Prices herein before fettled at fuch Ferry refpectively, and no more.

Penalty on
taking greater
Rates.

AND if any Ferrykeeper fhall prefume to demand and receive, from any Perfon or Perfons whatfoever, any greater Rate than is herein before allowed, for the Carriage and Ferriage of any Thing whatfoever, he or they, for every fuch Offence, fhall forfeit and pay to the Party grieved the Ferriage demanded and received, and ten Shillings; to be recovered, with Cofts, before any Juftice of Peace of the County where fuch Offence fhall be committed.

County Courts
may appoint op-
pofite Ferries.

II. AND that where a Ferry is by this Act appointed on one Side of a River or Creek, and none on the other Side anfwerable thereto, it fhall be lawful for the refpective County Courts to appoint an oppofite Ferry, and to allow the refpective Rates herein before directed; and the faid Courts are alfo hereby empowered to appoint a Ferry over any River or Creek within their refpective Counties where the fame fhall be found convenient, and to contract with the Keeper of fuch Ferry, or of any publick Ferry, * to fet over the Militia of the County on Mufter Days, and to raife an Allowance for the fame in their County Levy: Provided always, that no fuch Allowance fhall be raifed for any Ferry over a River, or Creek, into another County.

And Ferries
for their Militia
* To fet over
the Militia of
the County on
Mufter Days,
not in the Roll.

A. D. 1748.

Other Ferries.

III. AND that it shall be lawful for the Keepers of the several County Ferries herein after mentioned, respectively, to demand and take for Ferriage the following Rates, that is to say :

On the River *Occoquan*, in Prince *William*, for a Man threepence, for a Horse the same.

Nominy, in *Westmoreland*, for a Man fourpence, for a Horse the same.

Mattox, in the same County, for a Man threepence, for a Horse the same.

Rappahanock Creek, in *Richmond* County, for a Man threepence, for a Horse the same.

Piscattaway, in *Essex*, for a Man threepence, for a Horse the same.

On *James River*, at *Branch's*, in *Henrico*, for a Man threepence, for a Horse the same.

From *Jacob Micheaux's* to *Thomas Atkins's*, for a Man threepence, for a Horse the same.

On the *Fluvannab*, from *Scott's* to *Battersby's*, or *Noble Ladd's*, in *Albemarle*, for a Man threepence, for a Horse the same.

And for Wheel Carriages the same, in Proportion to the Rates herein last mentioned, as is allowed at publick Ferries: Provided nevertheless, that nothing herein contained shall be construed to oblige any Person or Persons to pay for Ferriages, at any of the said County Ferries, who before the making of this Act was or were exempted from the same by Reason of his, her, or their Estate or Interest in the County where such Ferries are kept.

Saving to Persons exempted.

IV. AND for the better and more orderly keeping of publick Ferries, *Be it further enacted, by the Authority aforesaid*, that the Court of every County wherein such Ferries are or shall be appointed shall have, and is hereby declared to have, Authority of ordering and directing what Boat or Boats, and the Number of Hands, which shall be kept at each Ferry respectively; and the Owner of the Land whereon any such Ferry is or shall be, shall, within six Months after the Commencement of this Act, give Bond, with one Surety, in the Court of the County wherein such Ferry is, and in the Penalty of twenty Pounds, with Condition that he will duly keep such Ferry, or cause the same to be kept according to Law, and will give immediate Passage to all publick Messengers and Expresses, when required, from Time to Time. And in Case any such Person shall neglect or refuse to give such Bond, or to cause the same to be given on his Behalf, he shall forfeit and pay forty Shillings for every Month's Refusal or Neglect, to the King, his Heirs and Successours, for the better Support of this Government and the contingent Charges thereof; recoverable, with Costs, by Action of Debt or Information, in any Court of Record where the same shall be cognizable.

Regulation of Ferrykeepers.

V. AND for ascertaining what shall be accounted publick Messages and Expresses, *It is hereby declared*, that all Expresses sent by the Secretary of this Colony, or any Member of the Council, or by the Sheriff of any County, or a Commander in Chief, Colonel, Lieutenant Colonel, or Major, to the Governour or Commander in Chief of this Dominion for the Time being, or sent by such Governour or Commander in Chief, or by the Clerk of the Council, to any Person, or sent by any chief Militia Officer, to the Governour, or to the chief Commanding Officer of the Militia in the next County, to give Intelligence of the Approach of an Enemy, or which shall come from beyond Sea directed to the Governour or Commander in Chief of this Colony, shall be accounted publick Messages and Expresses, and Ferry free, within the Condition and Meaning of the Bond aforesaid, in Case such Express be directed for his Majesty's Service, and signed upon the Superscription by the Person or Persons sending the same; and his Majesty's Receiver General for the Time being shall pay such Messenger, at the Seat of this Government, out of the Revenues of two Shillings *per* Hogihead on Tobacco, or Head Money, Fort Duties, Fines, or Rights, in ready Money, for every Mile

What shall be publick Expresses.

Messenger's Allowance.

A. D. 1748.

he shall be sent forward on such publick Message, fourpence *per* Mile, for himself and Horse, in full Consideration for his going and returning; and where he shall be kept attending, by Order of the Governour or Commander in Chief, five Shillings *per* Day for such Attendance: Provided, that such Messenger produce, from the Superscriber of such Express, a Certificate of the Messenger's Name, and Distance of Miles; and his Attendance shall also be certified by the Governour, or the Clerk of the Council, before Payment of the said Reward. And if such Messenger be sent by Water, the same shall be paid for, at the Rate of fifteen Pence *per* Day for the Boat, and two Shillings *per* Day for each Man employed to go in her.

Adjutant, and
his servant,
Ferry free.

And Con-
stables con-
ducting Runa-
ways.

How Runa-
ways Ferriages
shall be dis-
charged.

VI. *AND it is also hereby enacted*, that the Keepers of Ferries within this Dominion shall give immediate Passage to the Adjutant General of the Militia, or his Deputy, and one Servant, with their Horses, Ferry free, and also to all Constables, and their Assistants, charged with conducting any Runaway Servant, or Slave, either to the publick Gaol or to such Runaway's Master or Owner, without charging such Constable, or Assistants, for Ferriage, either going or returning; but all such Ferriage, and the Ferriage of such Runaways, shall be paid by the County where the respective Ferries are kept, and repaid by the Publick, and levied upon the Owners of such Runaways.

Encourage-
ments to Ferry-
keepers.

Penalty on
other Persons
taking Fer-
riages.

VII. *AND for Encouragement of Ferrykeepers*, and in Consideration of setting over publick Messengers, and the Persons exempted by this Act, *Be it further enacted, by the Authority aforesaid*, that all the Men attending the said Ferries be free of publick and County Levies, and from all other publick Services of Musters, Constables, clearing Highways, Impressment, and other Things of like Nature; and that Keepers of Ferries shall not be chargeable with any Fee for giving Bond. And if the County Court shall find it requisite or useful that an Ordinary be kept at any Ferry, they may license such Ferrykeeper to keep Ordinary, without any Fee for the License, or obtaining the same, except Half the Fee by Law allowed to the Governour, notwithstanding there be a sufficient Number of other Ordinaries in the same County: Provided always, that every Ferrykeeper so licensed to keep Ordinary shall give Bond and Security, and be liable to the same Penalties, as other Ordinary Keepers. And that if any other Person whatsoever shall, for Reward, set any Person or Persons over any River or Creek whereon publick Ferries are by this Act appointed, he or she so offending shall forfeit and pay five Pounds current Money for every such Offence, one Moiety to the Ferrykeeper nearest the Place where such Offence shall be committed, the other Moiety to the Informer; and if such Ferrykeeper inform, he shall have the whole Penalty, to be recovered, with Costs, by Action of Debt or Information, in any County Court of this Dominion.

Repealing
Clause.

VIII. *AND be it further enacted, by the Authority aforesaid*, that all and every other Act and Acts, Clause and Clauses, heretofore made for or concerning any Matter or Thing within the Purview of this Act, except one Act made in the eighteenth Year of his present Majesty's Reign, *For enabling the Justices of Prince William and Fairfax Counties to levy Tobacco on the said Counties to support Occoquan Ferry*, shall be and are hereby repealed.

Commence-
ment of this
Act.

IX. *AND be it further enacted*, that this Act shall commence and be in Force from and immediately after the tenth Day of June, which shall be in the Year of our Lord one Thousand seven Hundred and fifty one.

The following Ferries have been established since the Year 1748.

On James River, and the Branches thereof.

For Man. Horse.

		s. d.	s. d.
25 Geo. 2. (1752) Cap. 38.	From William Hodsdon's, Isle of Wight, over Pagan Creek, to } Smithfield,	0 4	0 4
	From Charles Fulgham's to Smithfield,	0 6	0 6
27 Geo. 2. (1753) Cap. 4.	From Nicholas Davis's, Albemarle, over the Fluvannah, to his } Land opposite,	0 3	0 3
	From Thomas Joplin's, on Rockfish, Albemarle, across,	0 3	0 3
	From Charles Woodson's, Henrico, to Tarlton Woodson's, Chesterfield,	0 4	0 4
	From Charles Ellis's, Henrico, to Daniel Weldon's, Chesterfield,	0 3	0 3
	From Lewis Deloney's, Surry, to John Edloe's, Charles City,	0 7½	0 7½
	From Jeremiah Godwin's, Nansemond, over the Western Branch, } to James Benn's,	0 4	0 4
	From Benjamin Bascombe's, Nansemond, over Bennet's Creek, to } James Buckston's,	0 4	0 4
28 Geo. 2. (1755) Cap. 4.	From George Stovall's, Albemarle, over the Fluvannah, to George } Stovall's, in Bedford,	0 3	0 3
	From Fort Point, Hog Island, to Higginson's Landing, in James } City,	1 3	1 3
29 Geo. 2. (1756) Cap. 2.	From the north Side of Fluvannah to William Megginson's,	0 3	0 3
30 Geo. 2. (1757) Cap. 4.	* From Edward Lynch's, Bedford, over the Fluvannah, to Micajah } Moorman's,	0 3	0 3
	* From William Cappel's, Albemarle, over Rockfish, to Allen } Howard's,	0 2	0 2
	* From John Bryant's, Albemarle, over the Rivannah, to Edward } Pye Chamberlayne's,	0 2	0 2
1 Geo. 3. (1761) Cap. 4.	From John Buchanan's, Augusta, to his Land opposite,	0 3	0 3
	From John Reed's, Nansemond, over the Western Branch, to } Jeremiah Godwin's,	0 3	0 3
3 Geo. 3. (1762) Cap. 3.	From William Ingles's, Augusta, over New River, to the opposite } Shore,	0 3	0 3
4 Geo. 3. (1764) Cap. 1.	From John Cappel's, Amberst, over the Fluvannah, to the op- } posite Shore,	0 3	0 3
	From Cornelius Thomas's, over the Fluvannah, to Nicholas Davis's } Land, Bedford,	0 3	0 3
7 Geo. 3. (1766) Cap. 6.	From Joseph Cappel's, Buckingham, over the Fluvannah, to } William Cappel's,	0 3	0 3

On York River, and the Branches thereof.

28 Geo. 2. (1754) Cap. 1.	From Dansie's, King William, over Pamunkey, to the Causeway } opposite,	0 6	0 6
28 Geo. 2. (1755) Cap. 4.	From Anne Fleet's, King and Queen, over Mattapony, to Thomas } Fox's, King William,	0 7½	0 7½
1 Geo. 3. (1761) Cap. 4.	From George Brookes's, King and Queen, over Mattapony, to } William Frazier's,	0 6	0 6
4 Geo. 3. (1764) Cap. 3.	Establishes the Landing at the Causeway opposite to Frazier's } across Mattapony,	0 6	0 6

On Rappahanock, and the Branches thereof.

25 Geo. 2. (1752) Cap. 43.	Free Ferry to be kept at Port Royal,		
28 Geo. 2. (1755) Cap. 4.	From Anderson Doniphan's, King George, to Lawrence Battaille's, } Caroline,	0 3	0 3

		For Man.	Horse.
		s. d.	s. d.
32 Geo. 2. (1759) Cap. 6.	From John Bramham's, over Rapidan, to Harbin Moore's,	0 3	0 3
3 Geo. 3. (1763) Cap. 7.	John Richard's Ferry established at Leeds,	0 6	0 6
4 Geo. 3. (1764) Cap. 1.	From Thomas Caffon's, King George, to Sarah Conway's, Caroline,	0 3	0 3
Cap. 1. (1766) Cap. 6.	Ritchie's Ferry established. Explained and amended 7 Geo. 3.	1 0	1 0

On Potomack, and the Branches thereof.

27 Geo. 2. (1753) Cap. 4.	From John Posey's, Fairfax, to Thomas Marshall's, Maryland,	1 0	1 0
28 Geo. 2. (1755) Cap. 4.	From Thomas Swearingen's, Frederick, to his Land opposite, in Maryland,	0 3½	0 3½
	From Lawrence Washington's, Stafford, to the opposite Shore,	2 6	2 6
30 Geo. 2. (1757) Cap. 4.	* From George Brett's, Prince William, to Roger Chamberlain's, Maryland,	1 6	1 6
	* From Josias Clapham's, Fairfax, to Monockisey Creek, Maryland,	0 4	0 4
32 Geo. 2. (1759) Cap. 6.	(a) From William Tyler's, Westmoreland, to Cedar Point, in Maryland,	1 6	1 6
1 Geo. 3. (1761) Cap. 4.	From Robert Harper's, Frederick, to his Land opposite, in Maryland,	0 3½	0 3½
3 Geo. 3. (1762) Cap. 8.	From Samuel Earle's, Frederick, over Shanando, to Lord Fairfax's,	0 3	0 3
4 Geo. 3. (1764) Cap. 1.	From George Wilson Spooner's, Westmoreland, to Cedar Point, Maryland,	2 6	2 6
7 Geo. 3. (1766) Cap. 6.	From Elizabeth Cooke's, Stafford, to Clement Kennedy's, Maryland,	2 0	2 0

Roanoake, and the Branches thereof.

27 Geo. 2. (1753) Cap. 4.	From Robert Wade's, Halifax, over Staunton River, to the opposite Shore,	0 3	0 3
28 Geo. 2. (1755) Cap. 4.	From Field Jefferson's, Lunenburg, over Roanoake, to the Land opposite,	0 4	0 4
	From James Hunt's, Lunenburg, over Staunton River, to Abraham Abney's,	0 4	0 4
	From Joseph Mayes's, Halifax, over Staunton River, to the opposite Land,	0 2	0 2
30 Geo. 2. (1757) Cap. 4.	* From Thomas Anderson's, Lunenburg, over Roanoake, to James Mitchell's,	0 3	0 3
32 Geo. 2. (1759) Cap. 6.	From Margaret Boyd's, Halifax, over Dan River, to her Land opposite thereto,	0 3	0 3
	From Nathaniel Terry's, Halifax, over Dan River, to Fuqua's,	0 3	0 3
	From Francis Wagstaff's, Lunenburg, over Roanoake, to Richard Palmer's,	0 3	0 3
	From Richard Blanks's, Lunenburg, over Staunton, to Bruas's Ford,	0 3	0 3
1 Geo. 3. (1761) Cap. 4.	From Samuel Jones's Land, Lunenburg, over Roanoake, to Frederick Jones's,	0 3	0 3
	From William Fuqua's, Halifax, over Staunton, to Walter Coles's,	0 3	0 3
	From Robert Cobb's, Halifax, over Staunton River, to the opposite Shore,	0 3	0 3
	From James Steward's, Halifax, over Staunton, to Thomas Steward's,	0 3	0 3

(a) By the Act 3 Geo. 3. (1762) Cap. 8, Ferriage increased to 2 s. 6 d.

		For Man.	Horse.
		s. d.	s. d.
	From <i>William Roberts's</i> , over <i>Dan River</i> , to <i>Harry Gaines's</i> ,	0 3	0 3
3 Geo. 3. (1763) Cap. 8.	From <i>Richard Fox's</i> , <i>Lunenburg</i> , over <i>Roanoake</i> , to <i>James Blanton's</i> ,	0 3	0 3
	From <i>Nathaniel Barksdale's</i> , <i>Halifax</i> , over <i>Staunton River</i> , to <i>James Hunt's</i> ,	0 3	0 3
	From <i>William Harwood's</i> , <i>Lunenburg</i> , over <i>Roanoake</i> , to <i>William Royster's</i> ,	0 3	0 3
4 Geo. 3. (1764) Cap. 1.	From <i>William Black's</i> , <i>Lunenburg</i> , over <i>Roanoake</i> , to the opposite Shore,	0 4	0 4
7 Geo. 3. (1766) Cap. 6.	From <i>John Dix's</i> , <i>Halifax</i> , over <i>Dan River</i> , to the Land of <i>Lewis Green</i> ,	0 3	0 3

N. B. The Act establishing the several Ferries marked thus *, and increasing the Rates of Ferriages at *Mayer's*, on *Staunton* to 3 d. was suspended, and it is uncertain whether it has, or will be, assented to.

C H A P. XII.

An Act concerning Seamen. (a)

His Majesty
gave his Assent
to this Act Octo-
ber 31, 1751.

The Method
of apprehend-
ing Runaway
Seamen.

The Rewards.

I. *BE* it enacted, by the Lieutenant Governour, Council, and Burgessees, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that if any Seaman or Sailor belonging to any Ship or Vessel within this Dominion shall run away, or absent himself from his Service on Board, every such Seaman or Sailor may be taken up, or secured, and brought before a Justice of Peace of the County where taken, and by his Warrant committed to the next Constable, and conveyed from Constable to Constable, till he be put on Board the Ship or Vessel to which he belongs; and the Constable so delivering him on Board shall take a Receipt thereof from the Master, Mate, or other Officer of such Vessel, which being by him produced to the Naval Officer of the District where such Vessel rides, before clearing out, shall entitle him to a Reward of five Shillings for every Runaway taken up ten Miles or under from the Place where the Vessel rides, or ten Shillings if above ten Miles, to be paid by such Naval Officer, and reimbursed to him by the Master of such Ship or Vessel, at or before his clearing out. And such Justice shall also grant a Certificate to the taker up, reciting his or her Name, the Name of the Runaway, and of the Ship or Vessel to which he belongs, the Place where taken, and whether it is ten Miles or more, or less, from such Ship or Vessel, and that the taker up made Oath before him to the Place of taking; which Certificate being produced to the Naval Officer, as aforesaid, shall entitle the taker to a Reward of twenty Shillings for every such Runaway taken at the Distance of ten Miles or more, and ten Shillings if under ten Miles, to be paid and reimbursed as aforesaid. And if the Vessel to which such Runaway belongs shall be departed this Colony, before he is taken or can be put on Board, he may be delivered to the Commander or Master of any other Ship or Vessel willing to receive him and pay the said Rewards; and that the several Naval Officers of this Dominion may pay the said Rewards upon Certificates to them produced, out of his Majesty's Revenue of two Shillings per Hogthead, provided due Care be taken that the same be reimbursed as by this Act before directed.

(a) See 12 Geo. 2. (1738) Cap. 3. Sect. 6. Seamen exempted from serving in the Militia.

22 Geo. 2. (1748) Cap. 16. Sect. 8. Mariners not Freeholders, and contributing to *Greenwich* Hospital, not to be enlisted as Tithables.

22 Geo. 2. (1748) Cap. 24. Sect. 8. Penalty on Ordinary Keepers entertaining Seamen without License.

1 Geo. 3. (1761) Cap. 2. Masters may be held to Bail. But this Act suspended, and uncertain whether it is, or will be, assented to.

A. D. 1748.

Penalty on
Officer suffering
an Escape.

II. AND to prevent Escapes, *Be it further enacted, by the Authority aforesaid,* that if any Constable, or other Officer, charged with conducting a Runaway Sailor or Sailors, shall wittingly, willingly, or negligently, suffer him or them to escape, or shall not in due Time deliver such Receipt, as by this Act is required to be by him taken upon putting such Runaway on Board, to the Naval Officer of the District, as is herein before directed, such Constable or Officer shall forfeit and pay fifty Shillings current Money for every such Offence, to the King, his Heirs and Successors, towards the better Support of this Government and the contingent Charges thereof; recoverable, with Costs, by Action of Debt or Information, in any County Court.

And on Per-
sons harbouring
Seamen.

III. AND that if any Ordinary Keeper, or other Person, shall at any Time entertain, harbour, or conceal, any Seaman or Sailor belonging to any Ship or Vessel, without good Proof of his being about lawful Business, such Ordinary Keeper shall forfeit and pay fifty Shillings current Money to the Informer, recoverable as aforesaid; or on Failure of present Payment, or Security for Payment within six Months, shall receive thirty Lashes on his or her bare Back, well laid on, for such Offence. And if any Ordinary Keeper, or other Person, shall harbour or entertain any Seaman, not producing a Certificate of his being discharged, under the Hand of his last Commander or Master, such Offender shall be liable to the like Forfeiture and Punishment, recoverable in like Manner.

On Seamen
absent without
Leave.

IV. AND for the better preventing the Desertion of Seamen, *It is hereby further enacted,* that if any Seaman belonging to a Ship or Vessel within this Colony shall without License of his Commander go on Shore, and absent himself from his Duty, every such Seaman shall for every such Offence forfeit and pay five Shillings current Money, to be recovered, before any Justice of Peace, by the Master, or any of the Crew of the Ship or Vessel to which such Seaman belongs; and on Failure of present Payment, or Security for Payment thereof out of his Wages, he shall receive ten Lashes on his bare Back, well laid on. And that no Master of a Ship or Vessel within this Colony shall hire, receive, or entertain, any Seaman, without a Discharge under the Hand of his former Commander, under Penalty of twenty Pounds current Money for every Seaman so hired, received, or entertained; recoverable, with Costs, by the Master or Owner, or Owners, of the Vessel to which such Seaman belongs, by Action of Debt, in any Court of Record of this Dominion. And that no Seaman whatsoever, not being employed by his Commander, shall travel within this Colony without Certificate, under the Hand of his last Master or Commander, that such Seaman is by him discharged; and if any Seaman shall be found travelling without such Certificate, he may be taken up as a Runaway, and conveyed on Board, in the Manner herein before directed; and, in such Case, the Persons taking up and conveying such Seaman shall be entitled to the same Rewards, and liable to the like Penalties, upon any Escape.

On Ship Mas-
ters hiring Men
without Certi-
ficates.

Seamen tra-
velling without
Certificate of
Discharge may
be taken up.

Disobedient
Sailors shall be
whipped.

V. *AND be it further enacted, by the Authority aforesaid,* that if any Seaman, or other Person hired and sent in any Sloop, Boat, or other Vessel, for Delivery of Goods from on Board, or fetching Tobacco or other Merchandise, shall disobey the lawful Commands of his Captain, or any Officer by him appointed for taking Charge of such Vessel, such Offender, upon Complaint and Proof thereof made before any Justice of Peace, shall have and receive twenty Lashes on his bare Back, well laid on.

Process in
Case of Mu-
tinies.

VI. AND for preventing and punishing Mutinies happening on Shipboard, *It is hereby further enacted, by the Authority aforesaid,* that if any Seaman, or other Person hired to serve on Board any Ship or Vessel, shall obstinately refuse to obey the just Commands of his Captain, Mate, or other superiour Officer, or

shall lift his Hand against, or threaten any bodily Hurt, to them or either of them, A. D. 1748.
 or shall wilfully neglect his Duty, or refuse to work, not being disabled by Sick-
 ness or otherwise, it shall be lawful for any two Justices of the Peace (one of them
 being of the Quorum) residing near the Place where the Vessel rides, upon Com-
 plaint to them made, to cause the Party so offending to be brought before them,
 together with the Witnesses desired by either Party, at some convenient Place
 near such Ship or Vessel, and summarily to hear and determine such Complaint,
 and upon due Proof of such Offence to impose such Mulct or Fine on the Party
 offending, to be paid to the Party injured, as to them shall seem just, not ex-
 ceeding five Pounds current Money; and if the Nature of the Offence shall
 require it, to order and direct such corporal Punishment on the Offender as they
 shall think fit. And if any Person so convicted shall not make present Payment,
 or give sufficient Security for the same to be made within six Months, and also
 for his future good Behaviour, he shall receive on his bare Back thirty nine Lashes,
 well laid on, and then be remanded to his Service on Board.

VII. AND for redressing the just Complaints of Seamen against their Com-
 manders, *Be it further enacted, by the Authority aforesaid,* that every Master or Duty of
Commanders.
 Commander of any Ship or Vessel within this Colony shall provide and allow
 good and sufficient Diet and Accommodation for all Persons under his Command
 on Board such Ship or Vessel, according to the Usage in Merchants Service; and
 also shall provide, or cause to be provided and furnished, the like sufficient
 Allowance of wholesome Victuals, to all Persons by him employed, or sent in
 Sloops, Boats, or other Vessels, for the Delivery or bringing on Board of Goods
 or Merchandise, proportionably to the Distance of Place, and Length of Time,
 the Persons so sent may reasonably be absent. And if any Master or Commander
 shall neglect or refuse so to do, upon Complaint thereof made to any Justice of Proceedings
upon Sailors
Complaints.
 Peace, residing near the Place where such Ship or Vessel rides, he is hereby em-
 powered and required to cause such Master or Commander to come before him to
 answer such Complaint, and thereupon to order such Satisfaction to the Person or
 Persons injured as to him shall seem just; and, if necessary, thereupon to award
 Execution against the Body or Goods of such Commander. And that if any
 Master or Commander of a Ship or Vessel within this Dominion shall immoderately
 beat, wound, or maim, any Seaman belonging to his Ship or Vessel, any Justice In Cases of
beating,
wounding, &c.
 of Peace, upon Complaint thereof to him made, is hereby empowered and re-
 quired, by Warrant under his Hand, directed to the Sheriff or Constable, to
 cause such Master or Commander to be brought before him, and upon such Com-
 plaint being duly proved, to take sufficient Security for his good Behaviour; and,
 moreover, such Master or Commander shall be liable to the Action of the Party
 grieved, at the common Law, for all Damages sustained by such beating, wound-
 ing, or maiming.

AND that if any Master or Commander shall discharge, or cause to be put
 on Shore, any sick or disabled Sailor or Sailors, belonging to his Ship or Vessel, Discharging
sick or disabled
Men.
 or any Servant, without taking due Care for their Maintenance and Cure, he
 shall forfeit and pay ten Pounds current Money to the Churchwarden or Church-
 wardens of the Parish wherein such Sailor or Sailors, or Servant, shall be put on
 Shore; to be recovered, with Costs, by Action of Debt, or Information, in any
 County Court, and applied towards lessening the Parish Levy: And he shall also
 be liable to the Action of the Churchwardens of that or any other Parish wherein
 such Sailor or Sailors, or Servant, shall become chargeable, for all Expenses of
 Maintenance and Cure; in which Action no Statute, or Act of Limitation, shall
 be pleaded. And that every Master, upon discharging a Seaman from his Service,
 shall give him a Certificate, under his Hand, that the Person therein named
 hath served on Board his Ship or Vessel, and is by him discharged, which shall Master dis-
charging a
Seaman shall
give him a
Certificate.
 be sufficient to indemnify any other Person hiring or entertaining such Seaman;
 and if any Master shall refuse, upon Request of the Party discharged, to grant
 him such Certificate, he shall forfeit and pay to such Party five Pounds current

A. D. 1748.

Money, recoverable, with Coſts, upon Complaint brought before any Juſtice of Peace, who is hereby authorized to hear and determine the ſame, and thereupon to give Judgment and award Execution.

Saving to the
Jurisdiction of
the Admiralty.

VIII. *PROVIDED* always, that nothing in this Act contained ſhall be conſtrued to limit or reſtrain the Authority and Jurisdiction of the Lord High Admiral of *Great Britain*, the Vice Admiral of this Dominion, or Judge of the Vice Admiralty for the Time being, in any Matter or Thing properly cognizable in the Admiralty Court.

Repealing
Clause.

IX. *AND* be it further enacted, by the Authority aforeſaid, that all and every other Act and Acts, Clause and Clauſes, heretofore made for or concerning any Matter or Thing within the Purview of this Act, ſhall be and are hereby repealed.

Commence-
ment of this
Act.

X. *AND* be it further enacted, by the Authority aforeſaid, that this Act ſhall commence and be in Force from and immediately after the tenth Day of *June*, which ſhall be in the Year of our Lord one Thouſand ſeven Hundred and fifty one.

C H A P. XIII.

His Maieſty
gave his Aſſent
to this Act Oſto-
ber 31, 1751.

*An Act for the better ſecuring the Payment of Levies, and Reſ-
traint of Vagrants, and for making Proviſion for the Poor.*

Preamble.

I. **W**HEREAS divers idle and diſorderly Perſons, having no viſible Eſtates or Employments, and who are able to work, frequently ſtrole from one County to another, neglecting to labour, and either failing altogether to liſt themſelves as Tithables, or by their idle and diſorderly Life rendering themſelves incapable of paying their Levies when liſted: For Remedy whereof,

No wandering
Perſon ſhall be
hired or enter-
tained without
a Certificate.

II. *BE* it enacted, by the Lieutenant Governour, Council, and Burgeſſes, of this preſent General Aſſembly, and it is hereby enacted, by the Authority of the ſame, that it ſhall not be lawful to and for any Inhabitant of this Colony to entertain, hire, or employ, in his or her Houſe, above the Space of forty eight Hours, any Perſon or Perſons whatſoever, being tithable, and removing from the Pariſh where he or ſhe formerly reſided, unleſs ſuch Perſon ſhall firſt produce a Certificate, under the Hand of the Sheriff of the County, or the Church-wardens, or other Perſons collecting the Levy of the Pariſh from whence he or ſhe came, that ſuch Perſon paid Levy there for the preceding Year, or that he or ſhe came into this Colony ſince, or was a Servant at the Time of taking the laſt Liſt of Tithables; and if any one ſhall entertain, hire, or employ, any Perſon or Perſons whatſoever, being tithable, not having ſuch Certificate as aforeſaid, he or ſhe ſo offending ſhall forfeit and pay two Hundred Pounds of Tobacco, or twenty Shillings current, for every ſuch Offence, to the Informer, recoverable before any Juſtice of Peace of the County where the Offence ſhall be committed: And if any tithable Perſon, not having ſuch Certificate, ſhall offer him or herſelf, or ſeek to be employed, he or ſhe ſhall be liable to the like Penalties and Forfeitures as Perſons not liſting themſelves as Tithables are liable to.

Vagabonds
deſcribed.

III. *AND* be it further enacted, by the Authority aforeſaid, that all able bodied Perſons, not having wherewithal otherwiſe to maintain themſelves, who ſhall be found loitering, and neglecting to labour for reaſonable Wages, all Perſons who run from their Habitations, and leave Wives or Children without ſuit-able Means for their Subſiſtence, whereby they are likely to become burthenſome to the Pariſh wherein they inhabit, and all other idle, vagrant, or diſſolute

Persons, wandering abroad, without betaking themselves to some lawful Employment or honest Labour, or going about begging, shall be deemed and adjudged Rogues and Vagabonds. (a) A. D. 1748.

IV. *AND be it further enacted, by the Authority aforesaid,* that if any such Vagabond shall be found in any Parish or Place, wandering, begging, or misordering him or herself, it shall be lawful for any Justice of Peace, of that County, and he is hereby empowered and required, by Warrant under his Hand, to cause such Vagabond to be brought before him, and to examine and inform himself as well by the Oath and Examination of the Person apprehended as of any other Person or Persons, which Oath or Oaths the Justice is hereby empowered to administer, and by any other Ways and Means he shall think proper, of the Condition and Circumstances of the Person or Persons so apprehended; and if it shall appear that he or she is under the Description of Vagabonds, within this Act, the said Justice shall, by his Warrant, order and direct him or her to be conveyed and whipt, in the same Manner as Runaways are, from Constable to Constable, to the Parish wherein his Wife or Children do inhabit, or where he or she did last reside, as the Case shall be, and there delivered to a Justice of the Peace, who is hereby required to cause every such Vagabond to give sufficient Security for his or her good Behaviour, and for betaking him or herself to some lawful Calling or honest Labour, and if he or she shall fail so to do then to commit him or her to the common Gaol of the County, there to remain until such Security be given, or until the next Court; which Court is hereby empowered, if no Security be then offered, to bind such Vagabond to Service, on Wages, for the Term of one Year, and such Wages, after deducting the Charges of the Prosecution, and necessary Clothing, shall be applied towards supporting the Family of such Servant, if any, or otherwise paid to the Person so bound, after his or her Time of Service is expired, in full of all other Recompense or Reward; but if any such Vagabond be of such evil Repute that no Person will receive him or her into Service, in such Case the Court shall order him or her to receive thirty Lashes on his or her bare Back, well laid on, at the publick Whipping Post, and then to be discharged: And, in both Cases, every such Vagabond shall be afterwards liable to the like Prosecution and Punishment for every Offence of Vagrancy whereof he or she shall be guilty as aforesaid; and when any such Vagabond shall be brought before a Justice of the Peace, and it shall not appear to the said Justice that he or she has acquired a legal Settlement in any Parish, the said Justice is hereby required to cause such Vagabond to give Security for his or her good Behaviour, and for betaking him or herself to some honest Calling or Employment, and on Failure thereof shall commit him or her to the Gaol of the County, there to remain, and be dealt with as is herein before directed. The Manner of dealing with such.

V. *AND for determining all Disputes concerning what shall be accounted a legal Settlement, whereby any Person may be entitled to be provided for at the Parish Charge, It is hereby enacted, and declared,* that no Person shall be accounted an Inhabitant, so as to have gained a legal Settlement in any Parish, until such Person shall have been actually resident in such Parish one whole Year. What shall be a legal Settlement.

VI. *AND be it further enacted, by the Authority aforesaid,* that upon Complaint made by the Churchwardens of any Parish, before a Justice of Peace, that any poor Person or Persons is or are come into their Parish, and likely to become chargeable thereto, it shall be lawful for such Justice, by Warrant under his Hand, to cause such poor Person to be removed to the Parish where he or she was last legally settled; but if such poor Person be sick or disabled, and cannot be removed without Danger of Life, the Churchwardens shall provide for his or The Method of sending poor People to their own Parish.

(a) See 22 Geo. 2. (1748) Cap. 25. Sect. 9. How to proceed against vagrant Gamesters.

28 Geo. 2. (1755) Cap. 1. Which directs the building or renting Workhouses for the Poor.

A. D. 1748.

Penalty on
Churchwardens
refusing to re-
ceive their
Poor.

Remedy
against Vestries
not paying
Charges.

Penalty for
entertaining
Poor, without
giving Notice.

In what Cases,
and by whom,
poor Children
may be bound
Apprentices.

Repealing
Clause.

Commence-
ment of this
Act.

His Majesty
gave his Assent
to this Act Octo-
ber 31, 1751.

Surveyors and
their Assistants
shall give Bond
and Security.

her Maintenance and Cure at the Charge of their Parish, and after Recovery shall cause him or her to be so removed, and the Parish wherein he or she was last legally settled shall repay all Charges occasioned by the Sicknes, Maintenance, and Cure, of such poor Person, and for removing him or her, and also all Charges and Expenses, if such Person shall die before Removal. And if the Churchwarden or Churchwardens of the Parish to which such poor Person belongs shall refuse to receive and provide for the Person or Persons removed by Warrant as aforesaid, every Churchwarden so refusing shall forfeit and pay twenty Pounds current Money, one Half to our Sovereign Lord the King, for the Use of the Parish from whence such Removal was, and the other Moiety to the Informer; to be recovered, by Action of Debt or Information, in any Court of Record of this Dominion, with Costs of Suit. And if the Vestry of the Parish where such poor Person was last legally settled shall refuse to repay and satisfy all the Charges and Expenses aforesaid, in such Case the Vestry of the Parish refusing shall be liable for the same to the Churchwardens of the Parish aggrieved; to be recovered, with Costs, in any Court of Record, as aforesaid. And if any House-keeper shall entertain any such poor Person, and shall not give Notice thereof to the Churchwardens of the Parish, or one of them, within one Month, he or she so offending shall forfeit and pay the Sum of five Pounds, or one Thousand Pounds of Tobacco; to be recovered, with Costs, by the Churchwardens, for the Use of the Parish, by Action of Debt or Information, in any County Court.

VII. AND to prevent the evil Consequences attending the Neglect or Inability of poor People to bring up their Children in an honest and orderly Course of Life, *Be it further enacted, by the Authority aforesaid,* that where any Person or Persons shall be, by their County Court, judged incapable of supporting and bringing up their Child or Children in honest Courses, or where it shall appear to the Court that he, she, or they, neglect to take due Care of the Education of his, her, or their Child or Children, and their Instruction in the Principles of Christianity, in any such Case it shall be lawful for the Churchwardens of the Parish where such Child or Children inhabit, by Order of their County Court, to bind every such Child or Children Apprentices, in the same Manner, and under such Covenants and Conditions, as the Law directs for poor Orphan Children.

VIII. *AND be it further enacted, by the Authority aforesaid,* that all and every other Act and Acts, Clause and Clauses, heretofore made for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.

IX. *AND be it further enacted, by the Authority aforesaid,* that this Act shall commence and be in Force from and immediately after the tenth Day of June, which shall be in the Year of our Lord one Thousand seven Hundred and fifty one.

C H A P. XIV.

An Act directing the Duty of Surveyors of Land. (a)

I. *BE it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that all and every Person and Persons who now is, or are, Surveyors of Land in any County of this Colony, or Assistant to such Surveyor, shall, within

(a) See Table of Surveyor's Fees 19 Geo. 2. (1745) Cap. 1. Sect. 7. 3. Geo. 3. (1763) Cap. 3. Sect. 3. to be resident in the Counties of which they are Surveyors.

three Months after the Commencement of this Act, and every Person thereafter to be appointed Surveyor, or Assistant, shall, before his entering upon the Execution of such Trust or Office, in the Court of that County whereof he is or shall be appointed Surveyor, or Assistant, enter into Bond, with two sufficient Sureties, to our Sovereign Lord the King, his Heirs and Successors, in the Sum of five Hundred Pounds current Money, for the true and faithful Execution and Performance of his Office; and shall also then there make Oath and swear that he will truly and faithfully, to the best of his Knowledge and Power, discharge and execute his Trust, Office, and Employment; which Bond and Oath the Justices of every County Court respectively are hereby authorized and required to cause to be entered into, administered, and recorded. And if any Surveyor, or Assistant, shall presume to execute his Office, after the Commencement of this Act, before such Bond and Oath by him entered into and taken, he shall not be entitled to demand or receive any Fee for the same; and every Survey, and other Matter or Thing, so by him done under Colour of his Office, shall be illegal and void.

A. D. 1743.

And besworn;

Otherwise their Proceedings void.

II. *AND be it further enacted, by the Authority aforesaid*, that when any Person shall offer to enter with any Surveyor within this Colony for any Quantity of Land not before granted by Patent, if the Surveyor shall refuse to enter the same, pretending it to have been before entered by some other Person, in such Case the Surveyor shall produce his Book of Entries to the Person offering to enter, and shew him the said Entry, and also give an attested Copy thereof, if required; the Person demanding the same paying for such Copy the Fee of two Shillings and Sixpence, and no more. And if any Surveyor shall refuse to produce his said Book to any Person requiring the same, so as such Demand be made at the Surveyor's House, or any other Place where his Book of Entries is, or shall refuse to give a Copy of any Entry, or to enter any Land, when required, where such Entry shall be agreeable to, and not interfering with, the Orders of the Governour in Council, relating to the taking up and patenting of Lands, or shall refuse, upon reasonable Notice to him given, to survey and lay out any Lands, for any Person legally requiring the same, and which may lawfully be done, every Surveyor so refusing shall forfeit and pay to the Party grieved, for his or her own Use, twenty Pounds current Money for every such Refusal.

Rules in Entries for Land.

Penalty on Surveyor refusing to do his Duty.

III. *AND be it further enacted, by the Authority aforesaid*, that if any Surveyor, or Assistant, shall enter for Lands, either in his own Name or in the Name of any other Person or Persons in his Behalf, or for his Use, such Entry shall be made before a Justice of the Peace (not being an Assistant) of the County where the Lands lie, which Entry the said Justice shall return to the next Court, there to be recorded; and every Entry, or Survey thereupon made, by or for any Surveyor, or Assistant, after the Commencement of this Act, in any other Manner than is herein before directed, shall be illegal and void, and any other Person may enter, survey, and sue forth a Patent for the same Land.

How a Surveyor may enter Land for himself.

IV. *AND be it further enacted, by the Authority aforesaid*, that where any Entry hath been or shall be made for less than four Hundred Acres of Land, and before surveying the same the Person or Persons by or for whom such Entry was or shall be made shall duly enter for more Land adjoining thereto, not exceeding in the whole four Hundred Acres, the Surveyor shall not be entitled to any larger Fee for the Survey thereof than if the whole Quantity had been entered for at first. And where Lands to be surveyed shall lie in two Counties, or Districts, such Land shall be surveyed by the Surveyor of that County, or District, wherein the greatest Part lies. And where it shall happen that the Title or Bounds of any Tract of Land lying in two Counties, or Districts, shall be in Controversy, so as to occasion a Survey thereof, by Direction of the Court wherein such Controversy shall be depending, although the Surveyors of both Counties, or Districts, shall attend such Survey, yet they shall not be entitled to demand or receive any more than as if the Service had been done by one Surveyor

Rules in special Cases.

A. D. 1748.

Assistant Surveyor may not make or take any Entry.

only. And if any Assistant-Surveyor shall presume to make or take any Entry or Entries, for any Person or Persons whatsoever, he shall, for every such Offence, forfeit and pay the Sum of five Pounds current Money, to the Informer, recoverable in any Court of Record of this Dominion, wherein the same is cognizable, by Action of Debt, or Information; and, moreover, such Offence shall be deemed a Forfeiture of the Bond of such Assistant.

In what Counties the Surveyors thereof shall reside.

Penalty, 10l. per Month.

V. AND to prevent Disputes about the Priority of Entries for Land, and for the greater Conveniency of the People, in repairing from Time to Time to the Surveyors of their respective Counties, or Districts, to make Entries for unpattented Lands, *Be it further enacted, by the Authority aforesaid*, that there shall be but one Surveyor, with whom Entries for Lands shall be made, for each of the several Counties of *Brunswick, Amelia, Orange, Albemarle, Augusta*, and *Louisa*; and such Surveyor, and all and every Surveyor and Surveyors of the County of *Lunenburg*, shall be resident in such County, or District, respectively, whereof he is Surveyor, during the Time he shall continue in Office, on Penalty of forfeiting ten Pounds current Money for every Month he shall reside out of the same; one Moiety of which shall be to the King, his Heirs, and Successors, for the better Support of this Government and the contingent Charges thereof, and the other Moiety to the Informer.

Surveyor's Duty in making Surveys, entering Plats, &c.

Penalty in Case of Failure.

County Courts may order their Surveyor's Book to be inspected, and preserved among the Records.

VI. *AND be it further enacted, by the Authority aforesaid*, that every Surveyor making a Survey of Land shall see the same plainly bounded, by natural Bounds, or marked Trees, and within five Months after Survey made shall deliver to his Employer a Plat and Certificate thereof, and shall also enter, or cause to be entered, in a Book well bound, to be ordered and provided by the Court of his County, at the County Charge, a true, correct, and fair Copy and Plat of every Survey by him made, during his Continuance in Office, within two Months after making the same, and certify the Name or Names of the Person or Persons for whom any Survey is made, the true Quantity of Land therein contained, the Parish or Place where it lies, the Rivers, Creeks, and Water Courses, and the true Boundaries natural or artificial, and the Plantations or Lands next adjoining; and also shall annually, in the Month of *June*, return a true and perfect List of all Surveys by him made to his County Court Clerk's Office, to be recorded, upon Penalty of forfeiting, for every Default in any of the Premises, two Thousand Pounds of Tobacco, one Half to the King, his Heirs and Successors, for and towards the better Support of this Government and the contingent Charges thereof, and the other Half to the Informer. And every County Court respectively is hereby declared to have full Power and Authority, at any Time when they think fit, to appoint two or more capable Persons of their County to view and examine their Surveyor's Book of Surveys, and to report to them how the same is kept; and upon the Death or Removal of any Surveyor to retake his Book of Surveys, and cause the same to be preserved among the County Records, or delivered to the next Surveyor, as in their Discretion they think best.

No Survey without sworn Chain Carriers

* With in the Roll.

VII. *AND be it further enacted, by the Authority aforesaid*, that no Survey shall be made without Chain Carriers, to be paid by the Party demanding the Survey, and sworn to measure justly and exactly, to the best of their Knowledge, and to deliver a true Account thereof to the Surveyor, * which Oath every Surveyor is hereby empowered and required to administer.

Notice of surveying must be given.

VIII. *AND be it further enacted, by the Authority aforesaid*, that all Entries for Land, legally made, shall stand good, until Notice given by the Surveyor in Writing, publicly affixed at the Court-House of his County, on two successive Court Days; and where the Party claiming such Entry lives in another County, then in like Manner in that County also, that he is ready to proceed to the Survey thereof. And if the Party claiming, his Heirs or Assigns, shall not,

within one Month after such Notice, attend the Surveyor, with all Necessaries for making such Survey, and give him timely Warning thereof, the Entry or Entries claimed by such Party shall be void, as if the same had never been made.

A. D. 1748.

Entries of Persons not attending within one Month after Notice void.

IX. AND for preventing hasty and surreptitious Grants, and avoiding Controversies and expensive Law suits, *Be it further enacted, by the Authority aforesaid*, that no Surveyor shall at any Time issue or deliver any Certificate, Copy, or Plat of Land by him surveyed, except only to the Person or Persons for whom the same was surveyed, or to his, her, or their Order, unless such Person or Persons shall refuse to pay the Surveyor's Fees for making such Survey, to be proved by the Sheriff's Return, upon the Surveyor's Account delivered him to collect, that the Party has no Effects in his Bailiwick whereupon he can levy the same, or unless such Party shall have legally forfeited his or her Right to the Land entered for, to be proved by an authentick Copy of the Order of Council, declaring such Forfeiture, produced to the Surveyor; and if any Surveyor shall presume to issue any Certificate, Copy, or Plat, as aforesaid, to any other than the Person or Persons entitled thereto, every Surveyor so offending shall forfeit and pay to the Party injured, his or her legal Representatives or Assigns, five Hundred Pounds of Tobacco for every Hundred Acres of Land contained in the Survey, whereof a Certificate, Copy, or Plat, shall be so issued, or shall be liable to the Action of the Party injured, at the common Law, for his or her Damages, at the Election of such Party.

Surveyor shall not issue a Plat or Copy to any but the Owner.

Exceptions.

Penalty.

X. *AND be it further enacted, by the Authority aforesaid*, that no Surveyor, for any Fees due to him by Virtue of his Office, shall presume to take, directly or indirectly, in his own Name, or in the Name of any other Person in Trust for him, any Obligation, Specialty, Note, or other Security, from any Person whatsoever, for the Payment of any Sum or Sums of Money in Lieu of such Fees; and that all Specialties, Notes, or Securities, taken contrary to this Act, shall be void, and no Action or Suit shall be maintained thereon. And if any Action or Suit shall be brought upon such Specialty, Note, or Security, the Defendant may plead this Act in Bar thereof, and the Plaintiff shall join Issue upon such Plea; and upon Trial thereof the *Onus Probandi*, as to the Consideration for which such Specialty, Note, or Security, was given, shall lie upon the Plaintiff.

Money Securities for Surveyors Fees void.

XI. *AND be it further enacted, by the Authority aforesaid*, that all the several Penalties and Forfeitures by this Act laid, given, or inflicted, shall and may be recovered, with Costs, by Action of Debt, or Information, in any Court of Record of this Dominion, wherein such Penalty shall be cognizable; and that all and every other Act and Acts, Clause and Clauses, heretofore made for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.

How the Penalties may be recovered.

Repealing Clause.

XII. *AND be it further enacted, by the Authority aforesaid*, that this Act shall commence and be in Force from and immediately after the tenth Day of June, which shall be in the Year of our Lord one Thousand seven Hundred and fifty one.

Commencement of this Act.

CHAP. XV.

An Act for preventing Trespasses by unruly Horses, Cattle, Hogs, Sheep, or Goats, and by taking away Boats or other Vessels.

His Majesty gave his Assent to this Act Oct. 31, 1751.

I. *BE it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same*, that if any Horses, Mares, Cattle, Hogs, Sheep, or Goats, shall break

K k k

A. D. 1748.

* Beasts not
in the Roll.What shall
be a lawful
Fence.Penalty on
the Owner of
Beasts breaking
such Enclosure.Where the
Party injured
may sue for
Damages, or
destroy the
Beasts.How the
Fence shall be
viewed.Penalty for
hunting Beasts
in Grounds not
sufficiently
fenced.Reward for
taking up
Beasts known
to have barked
Fruit Trees.Penalty for
taking Boats
or other Vessels.

into any Grounds, being enclosed with a strong and sound Fence, five Feet high, and so close that the * Beasts breaking into the same could not creep through, or with an Hedge two Feet high, upon a Ditch three Feet deep and three Feet broad, or instead of such Hedge a Rail Fence of two Feet and a Half high, the Hedge or Fence being so close that none of the Creatures aforesaid can creep through, which shall be accounted a lawful Fence, the Owner of such Horses, Mares, Cattle, Hogs, Sheep, or Goats, or any one of them, shall for the first Trespas committed make Reparation to the Party injured for the true Value of the Damage he shall sustain, and for every Trespas afterwards double Damages; to be recovered, with Costs, in any Court of Record of this Dominion, wherein the same shall be cognizable.

II. *PROVIDED nevertheless*, that for a third Offence of any one or more of the Beasts aforesaid breaking into such Enclosures it shall be at the Election of the Party injured to sue for his Damages, or to kill and destroy the Beasts so trespassing, without being answerable for the same.

III. *AND* that the Condition of the Fence at the Time of the Trespas committed may be proved to a Jury upon Trial, *It is hereby further enacted*, that upon Complaint made by the Party injured, before any Justice of Peace of that County wherein such Trespas shall be, such Justice is hereby empowered and required to issue his Order, without Delay, to three honest Housekeepers of the Neighbourhood, no Ways related to the Party injured, nor interested concerning the Trespas, reciting the Complaint, and requiring them to view the Fence where the Trespas is complained of, and to take Memorandums of the same; and their Testimony, in such Case, shall be good Evidence to the Jury as touching the Lawfulness of the Fence.

IV. *AND be it further enacted, by the Authority aforesaid*, that if any Person, damnified for Want of such sufficient Fence, shall hurt, wound, lame, kill, or destroy, or cause to be hurt, wounded, lamed, killed, or destroyed, by shooting, hunting with Dogs, or otherwise, any of the Kind or Breed of Horses, Cattle, Sheep, Goats, or Hogs, he, she, or they, so offending, shall pay and satisfy to the Owner of the Creature so hurt, wounded, lamed, killed, or destroyed, double Damages, with Costs, recoverable as aforesaid, except the Damage alleged to be under twenty five Shillings, and then recoverable before any Justice of Peace of the County where the Damage was done.

V. *AND be it further enacted, by the Authority aforesaid*, that all Owners of Horses, Mares, Cattle, or other Beasts, which they know to have barked Fruit Trees, shall keep the same within their own fenced Ground; and if any Person shall take up any Horse, Mare, Kine, or other Beast, known by the Owner to have barked Fruit Trees, and shall deliver the same to such Owner, he or she shall pay the taker up one Hundred Pounds of Tobacco for every such Beast so taken up and delivered; recoverable, with Costs, before any Justice of the County wherein such Beast was taken up, or the Owner lives: *Provided* always, that the taker up shall, if required, make Oath before the same Justice that he took up such Horse, Mare, or other Beast, and that no Means were used by himself, or any other Person to his Knowledge, to set the same at large, otherwise he shall lose the said Reward.

VI. *AND be it further enacted, by the Authority aforesaid*, that every Person who shall, without Leave of the Owner, take away any Boat, or other Vessel, shall, for every such Offence, pay five Hundred Pounds of Tobacco, to the Owner thereof, over and above the Damage such Boat or Vessel shall sustain, and over and above the Charge of bringing back the Vessel; to be recovered, with Costs, in any Court of Record, as aforesaid. And if the Person so trespassing be a Servant, he or she shall make the like Satisfaction, by his or her Service, when

the Time due to his or her Master, or Owner, shall be expired; and where there shall be several Offenders in one Trespas, every Person shall be liable for the whole Penalty. A. D. 1748.

VII. *AND* be it further enacted, by the Authority aforesaid, that one Act made in the fourth Year of Queen Anne, intituled *An Act for Prevention of Trespases by unruly Horses, Cattle, Hogs, Sheep, and Goats, and by taking away Boats and Canoes*, shall be and is hereby repealed. Repealing Clause.

VIII. *AND* be it further enacted, by the Authority aforesaid, that this Act shall commence and be in Force from and immediately after the tenth Day of June, which shall be in the Year of our Lord one Thousand seven Hundred and fifty one. Commencement of this Act.

C H A P. XVI.

An Act concerning Tithables.

His Majesty
gave his Assent
to this Act Octo-
ber 31, 1751.

I. *BE* it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that all male Persons of the Age of sixteen Years and upwards, and all Negro, Mulatto, and Indian Women of the same Age, except Indians tributary to this Government, and all Wives of free Negroes, Mulattoes, and Indians, except as before excepted, shall be and are hereby declared to be tithable, and chargeable for defraying the publick, County, and Parish Levies, of this Colony and Dominion, excepting such only as the County Courts, for charitable Reasons appearing to them, shall think fit to excuse. Who shall be tithable.

II. *PROVIDED* always, that nothing herein contained shall be construed to extend to the Governour, or Commander in Chief of this Colony for the Time being, and his domestick Servants; or to the President, Masters, Scholars, or domestick Servants, of the College of *William and Mary*; or to the Person of any beneficed Minister within this Colony; or to the Person of any Constable, so long as he continues in his Office; so as to charge them, or any of them, as Tithables, within the Meaning of this Act. Persons exempted.

III. *AND* for ascertaining the Age of Children imported into this Colony, *Be it further enacted*, by the Authority aforesaid, that the Owner or Purchaser of every imported Child, being a Servant or Slave, and the Parent or Importer of every free male Child, shall bring him or her before the Court of that County wherein such Child shall be resident, at the first, second, or third Court held after his or her Importation; and the Age of such Child being then there adjudged by the Court, and recorded, shall be deemed and taken to be the true Age thereof, in Respect to his or her becoming tithable, otherwise every such Child shall be immediately tithable, although not sixteen Years of Age. How the Age of Children imported shall be adjudged.

IV. *AND* for the regular listing all tithable Persons, *Be it further enacted*, by the Authority aforesaid, that the Court of every County respectively shall divide the same into convenient Precincts, and annually, before the tenth Day of June, appoint one of the Justices for each Precinct to take a List of the Tithables therein; and every such Justice shall, before that Day, give publick Notice of his being so appointed, and at what Place or Places he intends to receive the Lists, by Advertisements thereof affixed to the Church Door of the Parish wherein his Precinct lies, and shall accordingly attend on the said tenth Day of June, if it be not Sunday, and then on the next Day, and in August Court next following shall deliver a fair List of the Names and Numbers of the Tithables, together The Method of listing Tithables.

A. D. 1748.

Penalty on
Justices not
taking and re-
turning the
Lists.

with the Vouchers by him taken, to the Clerk of the Court, who, on the next Court Day, shall set up fair Copies of such Lists in his Court-House, there to remain during the Sitting of that Court, for the Inspection of all Persons, and the better Discovery of such as shall be concealed. And if any Justice so appointed shall refuse to take, or shall fail to return such List, and Vouchers, as aforesaid, he shall forfeit and pay two Thousand Pounds of Tobacco, one Moiety to the King, his Heirs and Successors, for the Use of the County wherein such Failure or Refusal shall be, towards lessening the County Levy, and the other Moiety to the Informer; to be recovered, with Costs, by Action of Debt or Information, in any County Court of this Dominion.

On Persons
not listing their
Tithables.

V. AND that every Master or Owner of a Family, or in his Absence or Non-Residence at the Plantation his or her Agent, Attorney, or Overseer, shall on the said tenth Day of *June*, by a List under his or her Hand, deliver, or cause to be delivered, to the Justice appointed for that Precinct, the Names and Number of all tithable Persons abiding in, or belonging to, his or her Family, the ninth of *June*; or the Master or Owner thereof, or in Case of his or her Absence, or Non-Residence upon the Plantation, the Overseer, shall be adjudged a Concealer of such and so many Tithables as shall not be listed and given in, and for every tithable Person so concealed shall forfeit and pay five Hundred Pounds of Tobacco, one Moiety to the King, his Heirs and Successors, for the Use of the Parish wherein such Concealment shall be, the other Moiety to the Informer, to be recovered, with Costs, by Action of Debt or Information, in any Court of Record where the same shall be cognizable. And when any Overseer shall fail to list the Tithables upon the Plantation whereof he is Overseer, the Master or Owner shall be subject to the Payment of their Levies, in the same Manner as he would have been if they had been listed. And if any Justice, appointed to take the List of Tithables, shall not truly enter and list the Names and Number of his own Tithables in that Precinct in the List he gives in, he shall be adjudged a Concealer, and for every tithable Person so by him concealed and not listed shall forfeit and pay one Thousand Pounds of Tobacco, to be applied and recovered as aforesaid.

Owner liable
where the Over-
seer fails to list.

On the Justice
not listing his
own Tithables.

Lists may be
given in before
June 30th.

VI. *PROVIDED* nevertheless, that if any Owner or Overseer shall happen, by Sickness, Absence, or Ignorance, of the Person, or Place, to omit delivering his or her List on the said tenth Day of *June*, to the Justice appointed to take the same, it shall be lawful for such Person to deliver or send his or her List to the House of such Justice, at any Time before the last Day of the said Month, which shall discharge him or her from the Penalty aforesaid.

What shall be
a fraudulent
Removal of
Tithables.

VII. AND whereas some Persons, being Owners of Plantations in different Counties and Parishes, when they have been apprehensive that the Levies would run high in one of those Counties or Parishes, by Reason of publick Buildings, or other Emergencies, have removed their Tithables some small Time before the ninth of *June* out of such County or Parish to some other Plantation in another County or Parish, and in a short Time afterwards have caused the same, or other Tithables in their Room, to return to the County or Parish from whence they were removed: For preventing such fraudulent Practices, *Be it further enacted, by the Authority aforesaid*, that if any Master, Owner, or Overseer, shall remove his or her Tithables from one Plantation to another, with Intent to avoid the Payment of Levies in the County or Parish from whence they are so removed, and shall afterwards cause the same, or other Tithables in their Room, to return to the Plantation from whence they were removed, in the Manner herein before mentioned, every such Master, Owner, or Overseer, shall be adjudged, and is hereby declared to be a Concealer of the Tithables so removed, and shall be liable to the Penalties by this Act inflicted for concealing or not listing Tithables, to be recovered and applied as is herein before directed.

VIII. AND for the Ease and Encouragement of Mariners, and feafaring Perfons, *Be it further enacted, by the Authority aforefaid, that all Mariners and feafaring Perfons, not being Freeholders, commonly employed in Navigation, and who actually pay towards the Support of Greenwich Hofpital, out of their Wages, fhall be and are hereby exempted from being lifted as Tithables, and from paying any publick, County, or Parifh Levy.*

A. D. 1748.

Mariners not
tithable.

IX. AND *be it further enacted, by the Authority aforefaid, that one Act made in the fourth Year of Queen Anne, intituled An Act concerning Tithables, and one other Act made in the twelfth Year of his prefent Majesty's Reign, For amending the faid Act, and every other Act and Acts, Clause and Clauses, heretofore made for or concerning any Matter or Thing within the Purview of this Act, fhall be and are hereby repealed.*

Repealing
Clause.

X. AND *be it further enacted, that this Act fhall commence and be in Force from and immediately after the tenth Day of June, which fhall be in the Year of our Lord one Thoufand feven Hundred and fifty one.*

Commence-
ment of this
Act.

C H A P. XVII.

An Act to prevent the clandestine Transportation or carrying of Perfons in Debt, Servants, or Slaves, out of this Colony.

His Majesty
gave his Affent
to this Act Oct.
31, 1751.

I. *Be it enacted, by the Lieutenant Governour, Council, and Burgeffes, of this prefent General Affembly, and it is hereby enacted, by the Authority of the fame, that no Master of a Ship, or other Veffel, fhall transport or carry any Perfon whatsoever out of this Colony and Dominion, without a License or Pafs for the fame, figned by the Secretary of this Colony for the Time being, or fuch other Perfon as he fhall depute and authorize for that Purpofe, upon Penalty of anfwering and paying every Debt and Duty fuch Perfon, at his or her Departure out of this Colony, fhall owe, or ftand obliged for, to the King, his Heirs and Succelfours, or to any of the Inhabitants, Merchants, or Traders here, by Judgment, Bond, Bill, Covenant, Account, or any other Ways or Means whatsoever; to be recovered againft fuch Master, by Action of Debt, in any Court of Record within this Dominion. And that no Master of any Ship, or any other Veffel, fhall transport or carry any Servant whatsoever, or any Negro, Mulatto, Indian, or other Slave, out of this Colony, without the Confent or Permilfion of the Perfon or Perfons to whom fuch Servant or Slave doth of Right belong, upon Penalty of forfeiting and paying, in current Money, fifty Pounds for every Servant, and one Hundred Pounds for every Slave transported or carried hence contrary to this Act, one Moiety to our Sovereign Lord the King, his Heirs and Succelfours, for the better Support of this Government and the contingent Charges thereof, and the other Moiety to the Owner of fuch Servant or Slave, to be recovered, with Cofts, by Action of Debt or Information, in any Court of Record of this Dominion; and, moreover, fuch Master fhall be liable to the Suit of the Party grieved, at the common Law, for his or her Damages.*

Penalties on
Ship Matters
transporting
any Perfon
without Li-
cense.

II. AND that every fuch Master, offending in any of the Cafes aforefaid, fhall be liable to be fued at any Time for any Debt due and owing from the Perfon fo transported, and for any Forfeiture and Damages accruing due from himfelf by Virtue of this Act; and whensoever any fuch Action or Suit fhall be brought againft him, the Court wherein the fame fhall be depending may rule the Defendant to give fpecial Bail, if they fee Caufe, and fhall not allow him to plead in Bar, or give in Evidence, any Act or Statute of Limitation, any former or other Law to the contrary notwithstanding.

The Master
may be fued at
any Time, and
held to fpecial
Bail.

A. D. 1743.

Shall be sworn.

III. *AND be it further enacted, by the Authority aforesaid, that every Master of a Ship or Vessel shall at the Time of his clearing, and before he shall be cleared out hence, before the Officers of the Customs in the Port where the Vessel rides, take the following Oath.*

His Oath.

I A. B. Master of the Ship or Vessel C. do swear that I will make diligent Inquiry and Search in my said Ship or Vessel, and will not knowingly or willingly carry, or suffer to be carried, in my said Ship or Vessel, out of this Dominion, without such Pass as is directed by Law, any Person or Persons whatsoever that I shall know to be removing hence in Order to defraud their Creditors, nor any Servant or Slave that is not attending his or her Master or Owner.

Mate and Boatwain shall also be sworn.

AND every Mate and Boatwain of a Ship or Vessel shall take an Oath to the same Effect, which Oath the respective Officers of the Customs are hereby empowered and required to administer.

PROVIDED always, that the taking of the said Oath shall not discharge such Master from any of the Penalties to which he is liable by this Act.

Penalties on Persons who forge or counterfeit a Pass.

IV. *AND be it further enacted, by the Authority aforesaid, that if any Person, not being a Servant or Slave, shall forge or counterfeit any Pass, in Order to procure a Transportation out of this Colony, he or she so forging or counterfeiting shall forfeit and pay ten Pounds current Money, one Moiety to his Majesty, his Heirs and Successors, towards the better Support of this Government and the contingent Charges thereof, the other Moiety to the Informer, recoverable, by Action of Debt or Information, in any County Court, with Costs of Suit; and moreover, every such Offender shall stand in the Pillory for the Space of two Hours, on a Court Day, at the Court-House of the County where he or she shall be convicted. And if any Servant shall forge or counterfeit such Pass, or make Use of the same, knowing it to be such, in Order to obtain a Transportation, or to escape out of this Colony, by Land or Water, he or she so offending, and being thereof convicted, shall stand in the Pillory two Hours as aforesaid, and receive thirty Lashes on his or her bare back, well laid on, at the Whipping Post.*

The Manner of obtaining a Pass.

V. *AND be it further enacted, by the Authority aforesaid, that it shall not be lawful for the Secretary, or any Deputy by him appointed, to grant a License or Pass for transporting or carrying any Person whatsoever out of this Colony, unless Bond, with two sufficient Sureties, be given to the Secretary of this Dominion, in the Sum of two thousand Pounds Sterling, with Condition to answer and pay every Debt and Duty the said Person, at going out of this Colony, shall owe or stand obliged for, by any Ways or Means whatsoever, or unless such Person shall have published his or her Intention of going out of this Colony three Times at least in the Virginia Gazette, or shall produce a Certificate from a County Court Clerk, in the Form following, "I A. B. Clerk of*
" County Court, do hereby certify that C. D. is, and for some Time past hath
" been, an Inhabitant of this County, and hath published his Intention of going
" out of this Colony according to Law. Dated, &c." But it shall not be lawful for any County Court Clerk to issue such Certificate till ten Days after Publication hath been made in his County of the Party's Intention to go out of this Colony, by a Note thereof set up at the County Court-House, on a Court-Day; and notwithstanding such Certificate obtained, if a Caveat be entered in the Secretary's Office to hinder a License or Pass being issued, and Bond given, with one sufficient Surety, for five Hundred Pounds current Money, payable to the Secretary of this Dominion, by the Party entering such Caveat, with Condition to answer and pay all Damages which the Party stopped shall recover, it shall not then be lawful for the Secretary, if such Caveat be entered with him, or any of his Deputies with whom the same shall be entered, to grant a License or Pass,

How a Caveat may be entered, and allowed.

unless the Party so stopped shall give counter Bond, with one sufficient Surety also, to the Secretary of this Colony, for double the Sum claimed by the Person entering the Caveat, with Condition to answer and pay whatever the said Person shall recover of his pretended Claim: Provided always, that the said Sureties, and all other Sureties for Persons going out of this Colony, after the Expiration of two Years from the Time of their becoming such Sureties, shall be discharged from all Claims and Demands whatsoever for which no Suit shall be commenced or prosecuted within that Time.

A. D. 1748.

If no Suit
within 2 Years
the Sureties
discharged.

VI. *AND be it enacted*, that the Secretary, or his Deputy, to whom any Certificate for obtaining a Pass shall be presented, shall in no Case return the said Certificate to the Person bringing it, but shall file it in his Office.

Certificates
shall be filed
in the Secreta-
ry's Office.

VII. *AND* for the more easy obtaining a License, or Pass, *It is hereby further enacted*, that the Secretary of this Dominion for the Time being shall appoint and keep within each District of this Colony at least one Deputy for granting Licenses or Passes, according to this Act, to any Person or Persons within such District legally requiring the same; and if, for the Space of two Months after Publication of this Act, he shall fail to appoint such Deputies, or having appointed them shall not certify their Names to the several County Court Clerks, or shall fail, within two Months after any Vacancy, to appoint another Deputy, and to certify the same as aforesaid, he shall forfeit and pay fifty Pounds current Money for every such Failure, one Moiety to our Sovereign Lord the King, his Heirs and Successors, for and towards the better Support of this Government and the contingent Charges thereof, the other Moiety to him, her, or them, that shall inform or sue for the same, in any Court of Record within this Dominion.

The Secre-
tary shall ap-
point Deputies
to grant Passes.

Penalty on
Failure.

VIII. *AND* that if any Person desirous to go out of this Dominion, in Order to obtain a License or Pass, shall offer to give Bond, with sufficient Sureties, or produce a County Court Clerk's Certificate, according to this Act, and the Secretary, or his Deputy, shall refuse, upon Request, to grant a License, or Pass, no Caveat being entered according to this Act, the Secretary, or his Deputy, so refusing, shall forfeit and pay five Hundred Pounds current Money, one Moiety to his Majesty, his Heirs and Successors, for and towards the better Support of this Government and the contingent Charges thereof, the other Moiety to the Party grieved, prosecuting within twelve Months next after such Refusal; to be recovered, with Costs, by Action of Debt, in any Court of Record of this Dominion.

And on Re-
fusal to grant a
Pass.

Prosecution
in 12 Months.

IX. *AND* to the End every Master of a Ship, or other Vessel, lawfully transporting any Person out of this Colony, may be enabled to manifest the same, if questioned, after he hath lost his License or Pass, *Be it further enacted, by the Authority aforesaid*, that every County Court Clerk shall register, in his Office, all Certificates by him issued from Time to Time pursuant to this Act; that the Secretary's Deputies shall, in *October* General Court annually, return to the Secretary's Office a List of all Licenses or Passes by each of them respectively issued the preceding Year; that the Clerk of the said Office shall register the same as soon as they come to his Hands, or within a reasonable Time thereafter; that if the Secretary himself shall grant any License, or Pass, he shall cause the same to be registered in his Office within a Year after granting it; and that if any of the Persons aforesaid shall at any Time fail in any Particular of him or them respectively as aforesaid required, every such Person shall forfeit and pay five Hundred Pounds current Money for every such Failure, one Moiety to the King, his Heirs and Successors, for the Use aforesaid, the other Moiety to the Informer, recoverable in Manner aforesaid.

Certificates
and Passes shall
be registered.

Penalty on
Failure.

A. D. 1748.

Repealing
Clause.

X. *AND be it further enacted, by the Authority aforesaid, that all and every other Act and Acts, Clause and Clauses, heretofore made for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.*

Commence-
ment of this
Act.

XI. *AND be it further enacted, by the Authority aforesaid, that this Act shall commence and be in Force from and immediately after the tenth Day of June, which shall be in the Year of our Lord one Thousand seven Hundred and fifty one.*

C H A P. XVIII.

His Majesty
gave his Assent
to this Act
Oct. 31, 1751.*An Act for Prevention of Abuses in Tobacco shipped on Freight. (a)*Masters of
Ships intending
to load Tobacco
shall give Bond,
and make Oath
not to injure
Tobacco Cask.

I. *BE it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that every Master of a Ship or Vessel in this Colony intending to take Tobacco on Board, before his obtaining a Permit for the same, shall give Bond, to the King, his Heirs and Successors, in the Sum of two Hundred Pounds current Money, with Condition that he will not crop, cut away the Bulge, draw the Staves, or otherwise abuse or injure, any Tobacco Cask freighted in his Ship or Vessel, nor cause or suffer the same to be done, with his Knowledge, Privity, or Procurement, without the Approbation and Consent of the Freighter or Freighters, and shall also make Oath and swear (or being a Quaker, solemnly affirm and declare) to the same Effect; which Bond, and Oath or Affirmation, the Naval Officer of the District wherein the Ship or Vessel rides is hereby authorized and required to take and administer. And if any Naval Officer shall grant any Permit to load Tobacco before such Bond given, and Oath or Affirmation made, he shall forfeit and pay two Hundred Pounds current Money, one Moiety to the King, his Heirs and Successors, for and towards the better Support of this Government and the contingent Charges thereof, the other Moiety to the Informer; recoverable, with Costs, by Action of Debt or Information, in any Court of Record of this Dominion.*

Penalty on
Officer grant-
ing Permit be-
fore Bond and
Oath taken.On Officers
and Men on
Board injuring
Tobacco Cask.

II. *AND be it further enacted, by the Authority aforesaid, that if any Officer, Mariner, or other Person, belonging to, or hired on Board, any Ship or Vessel taking in Tobacco, shall crop, cut away the Bulge, draw the Staves, or otherwise abuse or injure, any Tobacco Cask freighted on Board, without the Approbation and Consent aforesaid, or shall be aiding or assisting therein, every such Offender shall forfeit and pay five Pounds current Money, to the Informer; to be recovered, with Costs, by Action of Debt or Information, in any County Court: Whereupon the Defendant may be held to special Bail, and the Fact may be laid in any County where the Defendant or Defendants shall be arrested, without Liberty of Traverse; and if there be several Offenders in the same Fact, each Person shall pay the whole Penalty, and the Master of such Ship or Vessel shall also be liable to the Action of the Party injured for his or her Damages.*

Defendant
may be held
to Bail.Parties in the
Fact may be
Evidences, or
Informers, and
thereby in-
demnified.

III. *AND that for the better Discovery of the Truth, every Mariner, summoned and appearing as a Witness, shall be allowed to give Evidence, and thereby discharged of Prosecution for the same Fact; and if any Mariner concerned in such Offence shall be the Informer, such Information shall indemnify him from all Accusation or Penalty for the same.*

(a) See 5 Geo. 3. (1765) Cap. 4.

A. D. 1748.

Penalty on
Persons oppos-
ing a Search.* If not in
the Roll.

IV. AND that it shall be lawful for any Collector, Naval Officer, Searcher, or any Person having Tobacco on Board, to go on Board such Ship or Vessel in the Day Time, during her Loading, to search and discover whether any Breach has been made of this Act; and * if any Master, Officer, or Mariner, shall hinder or oppose such Search, he shall, for every such Offence, forfeit and pay ten Pounds current Money, one Half to the King, his Heirs and Successors, for the better Support of this Government and the contingent Charges thereof, the other Half to the Informer, recoverable, with Costs, by Action of Debt or Information, in any County Court.

V. AND be it further enacted, by the Authority aforesaid, that one Act made in the ninth Year of Queen Anne, For Prevention of Abuses in Tobacco, shipped on Freight, and all and every other Act and Acts heretofore made for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.

Repealing
Clause.

VI. AND be it further enacted, that this Act shall commence and be in Force from and immediately after the tenth Day of June, which shall be in the Year of our Lord one Thousand seven Hundred and fifty one.

Commence-
ment of this
Act.

C H A P. XIX.

An Act prescribing the Method for proving Book Debts.

I. WHEREAS the Trade of Merchandise in this Colony is chiefly carried on by Retail, and the Goods and Merchandises are often delivered to the Buyer by the Retailer himself, and it frequently happens that no Body is privy thereto but the Buyer and Seller, so that in many Cases there may be a Defect of legal Evidence to charge such Buyer, and by that Means a fair Trader may be hindered from recovering a just Debt: For preventing Disputes and different Opinions in the several Courts of Justice within this Dominion, and for determining what shall be lawful Evidence in such Cases,

Preamble.

II. BE it enacted, by the Lieutenant Governour, Council, and Burgessees, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that in any Action of Debt, or upon the Case, which hath been or shall be brought, where the Plaintiff shall declare, or has declared, upon an *Emisset*, or *Indebitatus Assumpsit*, for Goods, Wares, or Merchandises, by him sold and delivered to any other Person or Persons, and upon the Trial of such Action such Plaintiff shall declare upon his corporal Oath, or solemn Affirmation, as the Case may be, that the Matter in Dispute is a Store Account, and that he hath no Means to prove the Delivery of the Articles therein contained, or any of them, but by his Store Book, in that Case such Book shall and may be given in Evidence at the Trial, if he shall make out by his own Oath or Affirmation that such Book doth contain a true Account of all the Dealings, or the last Settlement of Accounts between them, and that all the Articles therein contained were *bona fide* delivered, and that he hath given all just Credits due to the Defendant in such Account; and such Book, and Oath or Affirmation, shall be admitted and received as good Evidence for any of the Articles for Goods delivered within two Years before the same Action brought, but not for any Article of a longer Standing, unless the Defendant shall have removed out of the County where he resided at the Time of his contracting the Debt, and then within three Years before Action brought. And where the Person who delivered such Goods, Wares, or Merchandises, shall die, his Executors or Administrators may give his Store Book in Evidence, upon his or their making Oath that there are no Witnesses, to his

In what Cases
a Store Book
may be given
in EvidenceLimitation
of Time.Executors or
Administrators
may prove
Debts in like
Manner.

M m m

A. D. 1748.

or their Knowledge, capable of proving the Delivery of the Goods or Merchandises therein mentioned, and that he or they found the Book so stated, and do not know of any Credit to be given; and such Book, and Oath, shall be admitted and received as Evidence for any of the Articles for Goods delivered within the Time aforesaid.

In what Cases
a Copy may
be given in
Evidence.

III. BUT whereas it has been found inconvenient and hazardous, by Reason of bad Weather and other Accidents, to carry Books of Accounts at great Distances to the General or County Courts, when a Copy of the Account, proved in the same Manner as by this Law the Book is to be proved, may satisfy the Defendant as fully and effectually as if the Book of Accounts were produced in Court at the Trial of the Cause, *Be it further enacted, by the Authority aforesaid,* that a Copy from the Book of Accounts, proved in the Manner herein before directed, shall and may be given in Evidence in any such Action as aforesaid, and shall be as available as if such Book had been produced; but where the Book shall be by the Defendant required to be produced at the Trial, the Defendant, or his Attorney, shall give Notice thereof to the Plaintiff, or his Attorney, at the joining of the Issue, and in that Case no such Copy shall be admitted or received as Evidence.

But the De-
fendant may
contest such
Proof.

IV. *PROVIDED nevertheless,* that the Defendant shall be at Liberty to contest the Plaintiff's Evidence, and to oppose the same by other legal Evidence; and where the Defendant shall be an Executor or Administrator, his Testator's or Intestate's Book shall and may be given in Evidence against the Plaintiff's Book, where the Plaintiff is an Executor or Administrator.

No Book of
Accounts shall
be admitted af-
ter 5 Years, ex-
cept for foreign
Merchants.

V. *PROVIDED also,* that no Book of Accounts; although the same may be proved by Witnesses or Witnessesses, shall be admitted or received as Evidence in any Action for Goods, Wares, or Merchandises delivered, or for Work done, above five Years before the same Action brought, except in Case of Merchants residing in *Great Britain*, or in other Parts beyond the Seas.

Repealing
Clause.

VI. *AND be it further enacted, by the Authority aforesaid,* that one Act made in the fifth and sixth Years of his present Majesty's Reign, intituled *An Act prescribing the Method for proving Book Debts*, shall be and is hereby repealed.

Commence-
ment of this
Act.

VII. *AND be it further enacted,* that this Act shall commence and be in Force from and immediately after the tenth Day of *June*, which shall be in the Year of our Lord one Thousand seven Hundred and fifty one.

His Majesty
gave his Assent
to this Act
Oct. 31, 1751.

CHAP. XX.

An Act concerning Water Mills. (a)

The Method
of proceeding
upon Petition
for an Acre of
Land.

I. *BE it enacted, by the Lieutenant Governour, Council, and Burgessees, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that where any Person, intending to build a Water Mill on some convenient Run, shall have Land only on one Side thereof, such Person shall petition the Court of that County wherein the Land on the other Side such Run shall lie for one Acre to be laid off for such Use, which Court is hereby authorized and required, upon such Petition, at the Costs and Charges of the Petitioner, to issue their Order to the Sheriff, commanding him to summon a Jury of twelve Free-

(a) See 22 Geo. 2. (1748) Cap. 22. relating to Mill Dams.

30 Geo. 2. (1757) Cap. 1. Sect. 3. Millers exempt from serving in the Militia, and Sect. 16. not to appear at Musters under a Penalty.

holders of the Vicinage to meet upon the Land petitioned for, who being met, and duly sworn before a Magistrate, or the Sheriff, shall diligently view and examine the said Land, and the Lands adjacent thereto, on both Sides the Run, in the same or the next County, which may be affected or laid under Water by building such Mill, together with the Timber and other Conveniencies thereon, and shall report the same, with the true Value of the Acre petitioned for, and of the Damages to the Party holding the same, or to any other Person or Persons, under their Hands and Seals, which Report shall be returned by the Sheriff to the Court whence such Order issued; and if thereupon it appears reasonable to such Court, and if it take not away Houses, Orchards, or other immediate Conveniencies, then they may, and are hereby authorized and empowered, to grant such Acre to the Petitioner, and order the Return to be recorded, which shall be a good and effectual Seisin in Law, and upon paying down the Valuation Money of the Land and Damages, reported by the Jury, to the Person and Persons legally entitled thereto, shall create a Fee Simple in the said Acre of Land to such Petitioner or Petitioners, his, her, or their Heirs and Assigns.

A. D. 1748.

II. *PROVIDED* nevertheless, that the Person so put in Possession shall, within one Year afterwards, begin to build, and within three Years finish, a Water Mill, and continue to keep the same in good Repair, for publick Use; otherwise such Acre shall revert to the former Proprietor, from whom the same was so taken, his or her Heirs.

Condition of holding such Acre.

III. *PROVIDED* also, that where any Water Mill shall be built, pursuant to the Directions of this Act, and any Person or Persons shall conceive him, her, or themselves, to be injured by the building of such Mill, it shall and may be lawful for the Party injured to bring his or her Action on the Case against the Owner or Owners of such Mill, any Thing herein contained to the contrary, or seeming to the contrary, in any Wise notwithstanding.

Parties injured may sue for Damages.

IV. *PROVIDED* also, that where any Water Mill shall belong to any Person being within the Age of one and twenty Years, *Feme Covert*, *Non Compos Mentis*, or imprisoned, and shall be discontinued, burnt, or destroyed by Tempest, every such Person, his or her Heirs, shall have Liberty to rebuild or repair within three Years after such Disabilities removed.

Saving to Persons under legal Disabilities.

V. AND whereas some Persons may have built Water Mills on a Point of Land of their own, in the Fork of a Swamp, between two Runs, and extended their Dams each Way cross both Runs, to Lands in which they had only an Estate Taille, and have sold the same, with an Acre at each End of the said Dams; and though each of the Acres aforesaid are really opposite to the Land of such Builders, yet it has been doubted whether the Court, upon Application, could confirm the Purchaser in a Fee Simple in each of the said Acres: And forasmuch as such Cases are within the equitable Intent and Construction of this Act, *Be it therefore further enacted, by the Authority aforesaid*, that the Court of the County where the said Acres lie shall, and they are hereby required, on the Petition of the Purchaser, to inquire into the Facts, and if it appear to them that the Purchaser hath paid a valuable Consideration for the said Acres, they shall record the Title of the Purchaser confirmed in Fee Simple thereto; or if, in their Opinion, a sufficient Consideration is not already paid, they shall, at the Costs and Charges of the Petitioner, issue their Order to the Sheriff to summon a Jury as is herein before directed, who, being duly qualified, shall view, value, and report under their Hands and Seals, how much more the Petitioner ought to pay, and the Court shall record such Report, and that the Petitioner's Title to the said Acre, at each End of the Dam, is confirmed to him in Fee Simple, on his paying down to the Party or Parties entitled thereto the Sum so reported, if any be found due: Which Proceeding shall be good and effectual Seisin in Law to the Petitioner, and shall create a Fee Simple in the said two Acres to such Purchaser,

Provision in special Cases, where entailed Land has been sold.

A. D. 1748.

his, her, and their Heirs, for ever, subject nevertheless to the Provisos, Conditions, and Limitations, of this Act; and if the Bounds of the said two Acres are not ascertained in the Deed of Purchase, the Jury appointed to value as aforesaid, or any two Members of the Court, or other Persons whom the Court shall appoint, shall fix and ascertain the same, by Marks on the Land, and express the same in Writing, under their Hands and Seals, which shall be recorded in Court, and be sufficient to fix and ascertain the Bounds thereof.

Mills burnt,
or destroyed,
shall be rebuilt
within 3 Years.

VI. AND that if at any Time any Mill, now built, or hereafter to be erected, shall happen to be burnt, carried away by Water, or any Way destroyed, the Proprietor being under none of the Disabilities herein before provided for, shall have the same Time allowed to rebuild and repair such Mill as is there allowed for the first Building thereof.

No Mill shall
be hereafter
built without
Leave of the
County Court.

VII. AND that no Person or Persons whatsoever, after passing this Act, shall erect any Mill, notwithstanding he or she has Land on both Sides a Creek or Run, and although there be no other Mill standing thereon, without Petition first exhibited to the County Court, who are to consider whether the adjacent Lands of other Persons may or will be affected thereby, and in that Case to order a Jury to value the Damages, and make Report thereof, in Manner herein before directed, and thereupon to grant or reject such Petition; but where the Petitioner's Land extends so far, on both Sides, as not to affect or overflow the Land of any other Person, the Court may, if they see Cause, grant Leave to the Petitioner for erecting such Mill, without ordering any Jury.

Cases not
within this
Act.

VIII. *PROVIDED* always, that this Act shall not extend to Mills heretofore built, nor to Mills now begun, though not yet finished; but that the Owners thereof shall be and continue possessed of the same, under their respective legal Titles, as if this Act had never been made. And where any Mill has been built, and is now standing, and the Owner thereof, through Ignorance or Mistake, hath not exactly pursued the Method prescribed by the Law in Force when such Mill was built, in Respect to an Acre of Land adjoining, the Court of the County wherein such Acre lies shall, upon Petition of such Owner, order and appoint two of their Members to value the Acre petitioned for, without having Regard to any of the adjacent Lands affected by such Mill, and upon the Petitioner's paying down the Valuation Money, to the Party entitled thereto, he shall have a Fee Simple Estate in such Acre of Land; but, in both these Cases, such Estate shall be subject to the Conditions and Limitations of this Act.

Millers Duty
and Toll.

Punishment
if he offends.

Where a Ser-
vant or Slave is
Miller.

Privilege of
Owners of
Mills.

IX. *AND* be it further enacted, by the Authority aforesaid, that all Millers shall well and sufficiently grind the Grain brought to their Mills, and in due Turn, as the same shall be brought, and may take for Toll one eighth Part of all Grain, and no more; and every Miller, or Occupier of a Mill, who shall not well and sufficiently grind as aforesaid, or not in due Turn, or take or exact more Toll, shall, for every such Offence, forfeit and pay fifteen Shillings to the Party injured, recoverable, with Costs, before a Justice of Peace of the County where such Offence shall be committed. And where the Miller shall be an imported Servant, or Slave, he shall, upon the first Conviction for such Offence, receive thirty Lashes, and upon a second Conviction forty Lashes, on his bare Back, well laid on, in Lieu of the Forfeiture aforesaid; but, upon a third Conviction, his Master or Owner shall be liable to pay fifteen Shillings, and so for every such Offence by such Servant or Slave afterwards committed: Provided always, that every Owner or Occupier of a Mill may grind his or her own Grain at any Time.

Scaled Mea-
sures shall be
kept in every
Mill, under a
Penalty.

(b) 8 Geo. 2.
(1734) Cap. 1.

X. AND that every Owner or Occupier of a Mill shall keep therein sealed Measures, (b) of Half Bushel and Peck, and a Toll Dish sealed, and shall measure all Grain by strike Measure, under Penalty of paying fifteen Shillings for every such Failure; recoverable, with Costs, by the Informer, before a Justice of

Peace, of the County wherein such Mill shall be. And if the Miller be a Slave, ^{A. D. 1748.} or Servant, his Master or Owner shall be liable to the Penalty; or if the Owner of such Mill shall not live within the same County, nor have any known Attorney therein, the Appearance of such Servant or Slave, before the Justice to whom such Complaint shall be made, shall be sufficient for him to proceed against the Master or Owner, but if he or she, his or her known Attorney, lives in the County, his or her Appearance shall be required.

XI. *AND be it further enacted, by the Authority aforesaid, that no Owner or Occupier of a Mill shall keep any Hogs at his or her Mill, except in Enclosures, unless such Owner or Occupier shall have fifty Acres of Land at the least adjoining to such Mill; and if any Hogs, belonging to the Owner or Occupier of such Mill, shall be found running at large, it shall and may be lawful for the Proprietors of the Land adjoining to such Mill to kill, or cause to be killed or destroyed, all such Hogs.* ^{Who may not keep Hogs at large at his Mill.}

XII. *AND be it further enacted, by the Authority aforesaid, that all and every other Act and Acts, Clause and Clauses, heretofore made for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.* ^{Repealing Clause.}

XIII. *AND be it further enacted, by the Authority aforesaid, that this Act shall commence and be in Force from and immediately after the tenth Day of June, which shall be in the Year of our Lord one Thousand seven Hundred and fifty one.* ^{Commencement of this Act.}

C H A P. XXI.

An Act for appointing publick Storehouses, and ascertaining the Prices of Storage. ^{His Majesty gave his Assent to this Act October 31, 1751.}

I. *BE it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that the respective Courts of every County, lying upon any River or Creek within this Colony, may, upon Application to them made, order and appoint such Place or Places, within their respective Jurisdictions, as to them appear necessary and convenient for the landing, shipping off, and Transportation, of Goods and Merchandises, to be hereafter held and accounted publick Landings; and where a Storehouse or Warehouses are not already erected at, or convenient to such Landings, the Court shall order such House or Houses to be forthwith erected and built, by the respective Proprietors of the Land, at his and their own Expense, for the commodious Reception, safe keeping, and convenient shipping off, or Transportation, of all Goods or Merchandises whatsoever, brought thither by Land or Water, and such Houses so built, or already erected, shall thereafter be held and accounted publick Storehouses, and all and every other Place and Places, House and Houses, heretofore used for the same Purposes, shall thereupon be discontinued, and no longer reputed or held as publick Storehouses, or Landings. And that a Copy of every such Order shall be by the Sheriff delivered to the respective Proprietors of the Land, so appointed, his or her Attorney or Agent, or left at his or their usual Place of Abode, and the Day and Place of serving the same shall also, by the said Sheriff, be returned to the next succeeding Court held for his County, and recorded; and where good and convenient Storehouses shall not be already built at any Place so appointed, the Proprietor thereof shall, within twelve Months after such Order made, cause such House or Houses to be erected and kept.* ^{The Method of appointing publick Warehouses and Landings.} ^{Proprietor of the Land shall build within 12 Months.}

A. D. 1748.

Further Proceedings where the Proprietor refuses to let, or build.

Conditions of holding a publick Storehouse and Land.

Provisos.

II. *AND be it further enacted, by the Authority aforesaid,* that if any Owner or Owners of any House now built, and used for a publick Storehouse, or the Owner or Owners of any Land appointed by any of the said County Courts for a Place whereon to build a publick Storehouse, his, her, or their Guardian or Guardians, Attorney or Attornies, shall refuse to suffer or let such House be made Use of for the Purpose aforesaid, or to build a good and convenient Storehouse on the Place appointed by such County Court for the same to be built on, within one Year after the Time of such Appointment made, that then and in such Case, upon the Petition of some Freeholder or Freeholders of the County where the said House is, or Land lies, it shall be lawful for such County Court, and they are hereby required, to order and appoint three or more good and lawful Men of their County, upon their Oaths, to value and appraise the said House so appointed, together with Half an Acre of Land next adjoining thereto, or to value and appraise Half an Acre of Land so appointed for a Place whereon to build a Storehouse, which Valuation shall be returned to the said Court, and there recorded; and thereupon it shall and may be lawful for the said Court to give Liberty to any Person to build or keep a Storehouse thereon, and he, upon his paying down the Valuation Money, or lawfully tendering the same to the Owner, shall be and is hereby declared to be seized in the said House and Half Acre of Land, or in the said Half Acre, to him and his Heirs for ever, upon Condition that he, his Heirs and Assigns, keep and maintain upon the said Half Acre of Land such a convenient Storehouse as the said County Court shall from Time to Time direct and appoint, or otherwise the said Half Acre of Land to revert to the former Proprietor thereof, his Heirs and Assigns, or to such other Person as will build and maintain a sufficient Storehouse thereon: Provided always, that the House so to be appointed from Time to Time by such County Court be not a Dwelling-House, or any Outhouse, Edifice, or Building, to a Dwelling-House contiguous and belonging or appertaining; and that the Half Acre of Land so appointed for building a Storehouse thereon be not, at the Time of such Appointment, the Garden, Orchard, or Court Yard, to any Dwelling-House belonging or appertaining.

PROVIDED also, that where any Storehouses shall be built by such other Person as aforesaid, and the Proprietor of the Land shall desire to have the same again, such Proprietor, on Payment of so much Money as shall be sufficient to reimburse the said Purchaser the principal Money expended for the Purchase of the Land, and the building such Storehouses, with lawful Interest, shall be restored to his former Estate in the Land whereon such Storehouses shall be built.

PROVIDED also, that the Proprietor of such Half Acre appointed for building a Storehouse, having no Land adjacent, shall keep no Hogs or other Stock upon the said Half Acre but what shall be constantly kept within a sufficient Fence upon the said Half Acre, on Penalty of paying five Shillings current Money for every Head of Horses, Mares, Cattle, Sheep, Goats, Hogs, Shoats, or Pigs, to him belonging, that shall at any Time be found at large upon any of the adjacent Lands, to be paid to the Owner of such Lands, and cognizable by a Justice of Peace of the County where the Trespass shall be committed.

Rates of Storage.

III. *AND be it further enacted, by the Authority aforesaid,* that every such publick Storehouse so appointed shall be constantly kept and maintained by the Proprietor thereof, for the receiving Tobacco, and other Goods and Merchandises; and that there shall be paid and satisfied to such Proprietor, by the Owner or Owners of such Goods lodged therein, for the Storage thereof, the Rates and Prices following: For every Hoghead of Tobacco, brought to any Storehouse above the Falls of any River, eightpence; for every Cask, containing sixty Gallons or upwards, and every Bale or Parcel of the like or greater Bulk, twelve-

pence, for the first Day, or three Months, and one Penny for every Month afterwards; and for every Cask under sixty Gallons, and every Bale or Parcel of less Bulk than a sixty Gallon Cask, sixpence, and one Penny respectively, as aforesaid; for Salt, or Grain not packed in Cask, after the Rate of one Penny per Bushel, and so proportionably for a lesser or greater Quantity, for the first Day, or three Months, and one Farthing for every Month afterwards; and for every Bar or Pig of Iron, one Halfpenny. And every Parcel of Salt, or Grain brought loose and unpacked, shall be kept in separate Heaps or Parcels, unmixed with any other, and the Whole thereof shall be delivered as received; and if it shall have really lost any of its Quantity, by melting, or by Rats, or other unavoidable Accidents, the Owner of such Goods shall bear the Loss, unless it exceed five per Cent. if taken out within three Months, and if it lie longer one per Cent. per Month afterwards, not exceeding ten per Cent. in the whole. Which several Rates of Storage shall be paid and satisfied before Removal or Delivery of the Goods, but no Storage shall be demandable for Goods lodged in any other than a publick Storehouse appointed in Pursuance of this Act; and if any Person, not being Proprietor or Keeper of such publick Storehouse, shall presume to demand or receive any Storage whatsoever, or other Reward, for Goods landed or lodged within one Mile of a publick Storehouse, and on the same Side of the River or Creek, every Person so offending shall forfeit and pay five Pounds current Money for every such Offence, to the Informer, recoverable, with Costs, by Action of Debt or Information, in any County Court of this Dominion.

A. D. 1748.

Allowances
for Shrinkage.Penalty upon
taking Storage
for Goods, ex-
cept in a pub-
lick Storehouse.

IV. *AND be it further enacted, by the Authority aforesaid,* that every Proprietor of a publick Storehouse who shall refuse to take in any Tobacco, Goods, or Merchandises, brought to such House, shall be liable to satisfy and pay, to the Party injured, all Damages by him or her sustained thereby, and shall also be liable to Action at the common Law for Damage happening to Goods in his or her Custody, or which shall be lost out of such Storehouse, for Want of due Care. And that the Owner or Keeper of every Storehouse shall, at the Time of receiving any Goods or Merchandises, give a Receipt in Writing, to the Person or Persons delivering the same, wherein shall be particularly mentioned the Marks, Numbers, and Condition, of the several Sorts of Goods by him or her received, which Receipt shall be fairly entered in a Book to be kept for that Purpose by the Owner or Keeper of every Storehouse; and if he or she shall fail to make a fair Entry as aforesaid, or shall refuse to give a true Copy of such Receipt, when required, he or she, in either Case so offending, shall forfeit and pay twenty Shillings, to the Informer, for every such Failure or Refusal, to be recovered, with Costs, before any Justice of Peace of the County wherein such Offence shall be committed.

Storehouse
Keeper answer-
able for Goods
lost or damagedAnd shall
give Receipts of
the Particulars,
and keep a
Book of En-
tries.Penalty on
Failure or Re-
fusal.

V. *AND be it further enacted, by the Authority aforesaid,* that all and every other Act and Acts, Clause and Clauses, heretofore made for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.

Repealing
Clause.

VI. *AND be it further enacted, by the Authority aforesaid,* that this Act shall commence and be in Force from and immediately after the tenth Day of June, which shall be in the Year of our Lord one Thousand seven Hundred and fifty one.

Commence-
ment of this
Act.

A. D. 1748.

His Majesty
gave his Assent
to this Act
Oct. 31, 1751.

Highways
shall be 30 Feet
wide at least.

Well cleared,
grubbed, and
kept.

Penalty on
felling or kil-
ling Trees near
the Road, or
fencing into it.

County
Courts have Ju-
risdiction of
making or al-
tering any
Road.

Where a
Road is ne-
cessary from
one County in-
to another,
both shall join.

Penalty on
Refusal.

How and
when Surveyors
of Highways,
and Labourers
thereon, shall
be appointed.

Penalty on
Failure.

C H A P. XXII.

An Act concerning Highways, Mill Dams, and Bridges. (a)

I. *BE it enacted, by the Lieutenant Governour, Council and Burgesſes, of this preſent General Aſſembly, and it is hereby enacted, by the Authority of the ſame,* that the ſeveral County Courts of this Dominion have and ſhall have Power, by their Order, from Time to Time, to direct the Alteration of publick Roads already made, or hereafter to be made, and the making new Roads in ſuch Places as to them ſhall ſeem convenient, for paſſing to and from the City of *Williamsburg*, the Court-Houſe of every County, the Pariſh Churches, and all publick Mills and Ferries; and that all ſuch Roads and Highways now made, or hereafter to be made, ſhall at all Times be kept well cleared from Woods, Buſhes, and other Obſtructions, and all Roots well grubbed up, thirty Feet broad at the leaſt; and that if any Perſon ſhall fell any Tree or Trees into ſuch Highway, or cauſe the ſame to be felled, and not cut and carried away within forty eight Hours, or ſhall kill any Tree or Trees within the Diſtance of ſixty Feet from ſuch Highway, or cauſe the ſame to be killed, and not felled, or ſhall make any Fence into ſuch Highway, ſuch Perſon ſhall for every ſuch Offence forfeit and pay ten Shillings current Money, to the Informer, recoverable, with Coſts, before a Juſtice of Peace of the County where ſuch Offence ſhall be committed: Provided, that when an Application ſhall be made to any County Court to have a new Road cleared, or to have any former Road altered, ſuch Court ſhall appoint three or more fit and able Perſons to view the Lands whereon the ſaid Roads are propoſed to be cleared or altered, who upon Oath taken before a Juſtice of Peace faithfully and impartially to perform the ſaid Service, ſhall make Report to the next Court of the Conveniences and Inconveniences of the ſaid intended Road, or Alteration.

II. *AND be it further enacted, by the Authority aforeſaid,* that where it ſhall be neceſſary and convenient to make and clear a Road in one County to ſome publick Place in another County, and a Road ſhall accordingly be made and cleared, by Order of the Juſtices of either of the ſaid Counties, as far as their County extends, the Juſtices of every ſuch adjacent County ſhall, and are hereby required, to cauſe a convenient Road to be made and cleared through their County to ſuch publick Place; and if the Juſtices of ſuch adjacent County ſhall fail or reſuſe ſo to do they ſhall forfeit and pay to the Juſtices of ſuch other County two Thouſand Pounds of Tobacco for every ſuch Failure or Reſuſal, to be recovered, by Action of Debt or Information, in the General Court, and to be by the ſaid Juſtices applied to the Uſe of their County, towards leſſening the Levy thereof.

III. *AND be it further enacted, by the Authority aforeſaid,* that every County Court ſhall divide the publick Roads of their County into Precincts, and annually, between the laſt of *April* and firſt Day of *Auguſt*, and at any other Time when they ſhall think it neceſſary, appoint a Surveyor of each Precinct, and the Tithables who ſhall attend each Surveyor reſpectively; and if any County Court ſhall fail ſo to do the Juſtices thereof ſhall forfeit and pay two Thouſand Pounds of Tobacco, to the Informer, recoverable, with Coſts, in the General Court as aforeſaid: And all male labouring Perſons, being tithable, ſhall, when required, attend ſuch Surveyor, and aſſiſt him in laying out, clearing, and repairing, the Roads in his Precinct, except ſuch who are Maſters of

(a) See 32 Geo. 2. (1759) Cap. 8. 1 Geo. 3. (1761) Cap. 7. 3 Geo. 3. (1762) Cap. 9. concerning Slopes in Mill Dams.

3 Geo. 3. (1762) Cap. 5. and 7 Geo. 3. (1766) Cap. 5. by which ſeveral conſiderable Amendments are made to this Act.

two or more tithable male labouring Slaves, who are hereby declared exempted from personal Service or Attendance; but every other tithable free male labouring Person failing to attend with proper Tools, when required by such Surveyor, or refusing to work when there, or not providing and sending another Person to work in his Room, for every such Failure or Refusal shall forfeit and pay five Shillings, and the Master or Owner of tithable male labouring Servants or Slaves shall be liable to the like Penalty of five Shillings for every such Tithable he shall fail to send when required as aforesaid; and if any Surveyor shall fail to send his own male labouring Tithables he shall forfeit and pay five Shillings for every Tithable he fails to send, which said Penalties shall be to the Informer, and recoverable, with Costs, before a Justice of Peace of the County where such Offence shall be committed: But where legal Cause of Disability to attend shall be shown, the Justice may allow thereof, and dismiss the Defendant; and also where any Person or Persons are or shall be by Law exempted from Services upon the Highways, such Exemption shall be allowed. And if any Surveyor so appointed shall fail to perform his Duty, as by this Act required, he shall forfeit and pay fifteen Shillings current Money for every such Failure, to the Informer, recoverable, with Costs, before a Justice, as aforesaid.

A. D. 1748.

On Persons not attending, or not assisting the Surveyor.

22 Geo. 2. (1748) Cap. 38. Persons employed in Iron Works exempt from working on Roads.

22 Geo. 2. (1748) Cap. 11. Sect. 7. Ferry-keepers also exempt.

Where legal Disability, or Exemption, may be allowed.

Surveyor's Forfeiture, if he fails.

IV. *AND be it further enacted, by the Authority aforesaid, that where* Bridges shall be necessary, every Surveyor of the Highways, and his Assistants, shall and may make the same in his Precinct twelve Feet broad at the least, level and passable, which shall be kept in Repair, from Time to Time; and for that Purpose he may cut and take, from off the Lands of any Person next adjacent to such Bridge or Place, such and so much Timber only as shall be necessary for that Use, which shall be first viewed and valued by two honest Housekeepers, upon Oath, appointed and sworn by some Justice of the County where such Timber shall be cut, and the Court of the same County shall, in the next County Levy, allow the Owner according to such Valuation, upon a Certificate from the said two Housekeepers to them produced. And where a Bridge shall be necessary over any Place where the Surveyor with his Assistants cannot make it, the Court of that County wherein such Place shall be is hereby empowered and required to contract and agree for the building and repairing thereof, and to levy the Charge in their County Levy; and where Bridges or Causeways are or shall be necessary from one County to another, the Court of each such County shall join in the Agreement for building or repairing the same, and the Charge thereof shall be defrayed by both Counties, in Proportion to the Number of Tithables in each: And if the Justices of any County, adjoining to such Place over which a Bridge or Causeway hath been or shall be wanting and necessary, shall refuse to join in such Agreement with the Justices of the County on the other Side of such Place, for building, rebuilding, or repairing, such Bridge or Causeway, and to levy their Proportion of the Charge thereof in their County Levy, the Justices of the County so refusing shall forfeit and pay two Thousand Pounds of Tobacco, to the Justices of the County proposing such Agreement, to be by them recovered, by Action of Debt or Information, in the General Court, and applied to the Use of their County, towards lessening the Levy thereof; but such Recovery shall not discharge the Justices refusing, nor the other Justices of that County, from the Obligation of levying and paying such Proportion afterwards in their County Levy, in the same Manner as if such Recovery had not been obtained.

How Bridges shall be made and kept.

Penalty on Justices refusing to join in building a Bridge where necessary.

V. *AND be it further enacted, by the Authority aforesaid, that all and every Contract, Agreement, and Order, by the Justices of any County Court of this Colony, entered into, or made, for or concerning the building or repairing Bridges, making Causeways, and other necessary Charges, in such Manner as to them shall seem most proper, shall be good and available against themselves, and their Successors.*

Contracts of County Courts shall bind them and their Successors.

A. D. 1748.

Mill Dams
must be 12 Feet
wide at Top.

Penalty on
Failure.

Bridges and
Passages over
Mill Dams to
be railed in.

Exceptions.

At every
cross Road a
Stone or Post,
with Direc-
tions, shall be
set up.

And kept in
Repair.

Penalty on
the Surveyor
if he fails.

On Persons
who destroy or
deface such.

* The in the
Roll.

Repealing
Clause.

Commence-
ment of this
Act.

VI. *AND be it further enacted, by the Authority aforesaid, that if any Mill Dam over which any publick Road leads, or the Bridge, Passage of the Pier Head, Flood Gates, or Waste over the same, shall be of less Breadth than twelve Feet at Top, for the whole Length of the Dam, Bridge, or Passage, the Owner or Owners, Occupier or Occupiers, of such Mill, shall forfeit and pay twenty Shillings for every such Offence, recoverable, with Costs, before any Justice of Peace of the County wherein such Mill Dam shall be, one Moiety to the Use of the Informer, and the other Moiety to the Churchwardens of the Parish in which such Mill shall be, to the Use of their Parish; and every Owner or Occupier of a Mill shall cause strong Rails to be set up, and kept in Repair, on each Side of such Bridge, Passage, Flood Gates, or Waste, under the like Penalty.*

VII. *PROVIDED always, that if any Mill Dam, or the Flood Gates, or Pier Head, shall happen to be destroyed, or carried away by Tempest, or other Accident, the Owner or Occupier thereof shall not be liable to any of the said Penalties, until one Month after such Mill hath ground one Bushel, at least, of Indian Corn, or other Grain, for Toll; and that where any Bridge over the Pier Head, Flood Gates, or Waste, is already built ten Feet wide, with strong Rails to the same, such Bridge shall be sufficient, so long as it shall be in good Repair.*

VIII. *AND be it further enacted, by the Authority aforesaid, that where two or more cross Roads or Highways meet the Surveyor thereof shall cause to be erected, and kept in Repair, from Time to Time, in the most convenient Place where such Roads join, a Stone or Post, with plain Inscriptions thereon, in large Letters, directing to the most noted Place to which each of the said joining Roads leads, and it shall be lawful for the said Surveyor to take any Trees or Wood, not being Timber, from any adjacent Lands, for setting up such Post, and the Expence he shall be at in setting up the same, with Inscriptions thereon, and keeping them in Repair, shall be reimbursed and paid by the County at their next Levy after such Service performed; and if any Surveyor shall neglect or refuse to cause such Stone or Post to be set up, or shall not cause them and the Inscriptions to be repaired or renewed, from Time to Time as shall be necessary, he shall forfeit and pay fifteen Shillings for every Month such Stone or Post shall be wanting, to be recovered and applied in the same Manner as the Penalty for not keeping the Roads or Highways in Repair. And if any Person shall presume to cut, pull up, destroy, or deface, any such Stone or Post, or the Inscriptions thereon, and be thereof convicted, by Confession, or the Oath of one or more credible Witnesses, before a Justice of Peace of the County where such Offence shall be committed, he or she shall forfeit and pay twenty Shillings current Money for every such Offence, to the Informer, for his own Use, recoverable, with Costs, before the same Justice; but where the Informer shall be a Witness, sworn upon Trial, in * that Case the Penalty shall be to the Use of the County, towards lessening their Levy; and in Default of present Payment the Offender shall, by Order of such Justice, receive twenty Lashes on his or her bare Back, well laid on.*

IX. *AND be it further enacted, by the Authority aforesaid, that all and every other Act and Acts, Clause and Clauses, heretofore made for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.*

X. *AND be it further enacted, by the Authority aforesaid, that this Act shall commence and be in Force from and immediately after the tenth Day of June, which shall be in the Year of our Lord one Thousand seven Hundred and fifty one.*

A. D. 1748.

C H A P. XXIII.

*An Act for clearing Rivers and Creeks. (a)*His Majesty
gave his Assent
to this Act Ocro-
ber 31, 1751.

I. **W**HEREAS many of the Rivers and Creeks of this Colony are stopped and choked up by Stones, Trees, Stumps, and Rubbish therein, and by Hedges, Weirs, or Stone Stops, in or cross the same, whereby the Passage of Boats, and other Vessels, and of Fish, is obstructed, to the great Damage of the Inhabitants of this Colony, and Hinderance of Trade and Commerce :

Preamble.

II. *BE it therefore enacted, by the Lieutenant Governour, Council, and Burgessees, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that where any River or Creek shall be in one County only the Court of such County shall be and is hereby empowered and required to contract and agree with any Person or Persons they shall think fit to clear the same, as far as it shall be passable for loaded Boats, if such Obstructions were removed, and to levy so much Tobacco in their County Levy as shall be sufficient to discharge such Agreement; and where any River or Creek in this Colony shall divide two or more Counties, the Courts of every such County shall join in such Agreement, and levy the Charge thereof in Proportion to the Number of Tithables in each County: Provided always, that nothing herein contained shall be construed to oblige any County Court, or Courts, to contract for removing Rocks, or such Obstructions, in any River or Creek, as cannot be removed without the Force of Gunpowder; and also that the Courts of the Counties adjoining to the Rivers *Meherrin, Not-toway, Roanoke, and Rappahannock*, above the Falls thereof, shall not be obliged by this Act to contract for the clearing the said Rivers, or any of them.

County Courts
shall contract
with Undertakers to clear
Rivers and
Creeks.

Exceptions;

III. *AND be it further enacted, by the Authority aforesaid,* that if any Person shall set or cause a Weir to be set in any River or Creek, passable as aforesaid, and shall not cause the Stakes thereof to be taken up again as soon as the Weir becomes useless, he or she shall forfeit and pay fifteen Shillings current Money, to the Informer, recoverable before a Justice of Peace; and whosoever shall fell any Tree or Trees, or cause the same to be felled into any River or Creek, or any Run whereon there is or shall be erected any publick Bridge or Bridges within this Colony, and shall not cut and carry away the same within the Space of forty eight Hours after such Felling, shall forfeit and pay fifteen Shillings for every Tree so felled and not cut and carried away, to be recovered before a Justice of Peace of the County where such Offence shall be committed, and shall be to the Use of the Informer.

Penalties on
setting Weirs,
or felling
Trees, into a
River or Creek.

IV. *AND be it further enacted, by the Authority aforesaid,* that all Hedges, or Stone Stops already made cross any River, Creek, or Run, shall be taken up and destroyed by the Person or Persons who made or placed the same; and that for the future no Hedge, or Stone Stop, that in any Wise obstruct the Course or Passage of the said Rivers, Creeks, or Runs, or any of them, shall be placed or set therein, and it shall be lawful for any Person or Persons whatsoever, at any Time, to pull up or destroy all such Hedges, or Stone Stops. And every Person who shall not pull up and destroy any and every Hedge, or Stone Stop, by him already set up or made, or who shall hereafter presume to set up or make any such in any River, Creek, or Run, as aforesaid, shall forfeit and pay one Thousand Pounds of Tobacco for every such Offence; and if after Conviction the Person or Persons so offending shall suffer such Hedge, or Stone Stop, to

Or Hedges, or
Stone Stops.

(a) See Notes to last Chapter.

22. Geo. 2. (1748) Cap. 29. Sect. 13. to prevent casting Ballast or dead Bodies into Rivers or Creeks.

25. Geo. 2. (1752) Cap. 8. 27. Geo. 2. (1753) Cap. 5. 3. Geo. 3. (1762) Cap. 9. and 5. Geo.

3. (1765) Cap. 12. Trustees appointed for clearing several Rivers.

A. D. 1748.

continue, and not pull up and destroy the fame, he, ſhe, or they, ſhall forfeit and pay two Hundred Pounds of Tobacco for every Week the fame ſhall be ſuffered to remain, both which Forfeitures ſhall be recoverable, with Coſts, by Action of Debt, in any Court of Record of this Dominion, wherein the fame ſhall be cognizable, one Moiety thereof to the Informer, and the other Moiety to the King, his Heirs and Succeſſours, for the Uſe of the County wherein ſuch Offence ſhall be committed, towards leſſening ſuch County Levy.

Mills except-
ed.

V. *PROVIDED* always, that nothing herein contained ſhall be conſtrued to extend to any Mill built upon a River above navigable Water, or to any Mills already built, or that hereafter ſhall be built, purſuant to the Laws relating to Water Mills: Provided alſo, that nothing herein contained ſhall be conſtrued to reſtrain any Perſon, having Land on both Sides of a Creek to the Head thereof, to ſet Hedges, or Stops, or to uſe and occupy the fame, as he or ſhe might have done if this Act had never been made, ſo that there be no publick Landing above the ſaid Hedges and Stops.

And Owners
of Land on both
Sides a Creek,
to the Head.Repealing
Clause.

VI. *AND* be it further enacted, by the Authority aforeſaid, that all and every other Act and Acts, Clause and Clauſes, heretofore made for or concerning any Matter or Thing within the Purview of this Act, ſhall be and are hereby repealed.

Commence-
ment of this
Act.

VII. *AND* be it further enacted, that this Act ſhall commence and be in Force from and immediately after the tenth Day of June, which ſhall be in the Year of our Lord one Thouſand ſeven Hundred and fifty one.

C H A P. XXIV.

His Maſty
gave his Aſſent
to this Act O. 70-
Nov 31, 1751.

*An Act for regulating Ordinaries, and Reſtraint of Tippling
Houſes. (a)*

The Method
of obtaining
Licenſe to keep
Ordinaries.Material
Conſiderations.

I. *BE* it enacted, by the Lieutenant Governour, Council, and Burgeſſes, of this preſent General Aſſembly, and it is hereby enacted, by the Authority of the ſame, that every Perſon intending to ſet up or keep an Ordinary, or Houſe of publick Entertainment, ſhall firſt petition the Court of that County wherein ſuch Ordinary is intended to be, and obtain a Licenſe for keeping the ſame, and the Juſtices of the Court to whom ſuch Petition ſhall be exhibited ſhall thereupon conſider the Convenience of the Place propoſed, and the Ability of the Petitioner to provide and keep good and ſufficient Houſes, Lodging, and Entertainment, for Travellers, their Servants, and Horſes; but the Court ſhall not, under Pretence of keeping any poor Perſon from being chargeable to the Pariſh, licenſe any ſuch Perſon to ſell Liquors, to the Prejudice of the neighbouring Inhabitants: And if ſuch Petition ſhall appear reaſonable, ſuch Court is hereby authorized, and may, if they think fit, grant the Petitioner a Licenſe to keep Ordinary, for the Term of one Year next enſuing the Date of ſuch Licenſe, and from thence till the next Court held for the ſame County, and no longer; which Licenſe ſhall be ſigned by the firſt Juſtice ſworn in the Commiſſion of the Peace for ſuch County, and may, upon Petition, be renewed from Year to Year, if the Court ſhall think fit.

II. *PROVIDED* always, that before iſſuing ſuch Licenſe the Court ſhall cauſe the Petitioner to enter into Bond, with ſufficient Security, to the Effect following, that is to ſay:

(a) See 22. Geo. 2. (1748) Cap. 11. St. 7. Courts may licenſe Ferrykeepers to keep Ordinaries.

A. D. 1748.

KNOW all Men, by these Presents, that We A. B. and C. D. are held and firmly bound unto our Sovereign Lord GEORGE the Second, by the Grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, &c. in the Sum of fifty Pounds current Money; to which Payment, to be made to our said Sovereign Lord the King, his Heirs and Successors, we bind ourselves, and every of us, our and every of our Heirs, Executors, and Administrators, jointly and severally, by these Presents. Witness our Hands and Seals, this Day of

Ordinary
Keeper's Bond.

THE Condition of this Obligation is, that whereas the above bound A. B. hath obtained a License to keep an Ordinary, at in the County of if therefore the said A. B. doth constantly find and provide, in his said Ordinary, good, wholesome, and cleanly Lodging and Diet for Travellers, and Stablage, Fodder and Provender, or Pasturage and Provender, as the Season shall require, for their Horses, for and during the Term of one Year from the Day of the Date of these Presents, and from thence until the next Court held for the said County of and shall not suffer or permit any unlawful gaming in his House, nor on the Sabbath Day suffer any Person to tipple and drink more than is necessary, then this Obligation to be void, otherwise to remain in full Force.

AND for every such License the Petitioner shall pay thirty five Shillings current Money, for the Use of the Governour or Commander in Chief of this Colony for the Time being, before obtaining the same.

License Fee.

III. AND be it further enacted, by the Authority aforesaid, that * the Justices of every County Court of this Dominion shall annually, in March Court (or if no Court be then held, at their next succeeding Court) set the Rates and Prices to be paid at Ordinaries for Liquors, Diet, Lodging, Provender, Stablage, and Fodder and Pasturage, upon Penalty of forfeiting and paying twenty five Pounds current Money; and every Ordinary Keeper shall, within one Month after the Rates so set, obtain of the County Court Clerk a fair Table of such Rates, which shall be openly set up in the publick entertaining Room of every Ordinary, and there kept throughout the Year, until the Rates shall be again set by the Court, and then a Copy thereof shall be again so obtained, and kept from Time to Time, under Penalty of ten Pounds current Money on every Ordinary Keeper failing so to do: And if any Ordinary Keeper shall demand and take greater Prices for any Drink, Diet, Lodging, Fodder, Provender, or Pasturage, than by such Rates shall be allowed, he or she so offending shall forfeit and pay ten Shilling for every such Offence, to the Informer; recoverable, with Costs, before a Justice of Peace of the County wherein such Ordinary shall be.

* The not in
Roll.

Rates of Li-
quors to be an-
nually set by
the Court.

And set up
in every
Ordinary.
Penalty on
Failure.

And on taking
greater Rates.

IV. AND be it further enacted, by the Authority aforesaid, that if any Person shall presume to keep a tippling House, or retail Liquors, or sell by Retail any Wine, Beer, Cider, Brandy, Rum, or other Spirits, or any Mixture of such Liquors, in any House, Booth, Arbour, Stall, or any other Place whatsoever, without License first obtained as aforesaid, he or she so offending shall forfeit and pay ten Pounds current Money; or on Failure of present Payment, or Security for Payment within six Months, the Party so convicted shall, by Order of the Court before whom such Conviction shall be, receive on his or her bare Back twenty one Lashes, well laid on, at the publick Whipping Post.

And on Re-
tailers of Li-
quors without
License.

Offenders fail-
ing to pay the
Forfeiture shall
be whipped.

V. PROVIDED always, that nothing in this Act contained shall extend or be construed to prohibit any Merchant, or Person keeping Store for Sale of Merchandise, from retailing Liquors, so as such Liquors be not drank, or intended to be drank, at the House, Store, or Plantation, where the same shall be so sold.

Merchants
excepted.

A. D. 1748.

Two Justices
(one *Quorum*)
may suppress
Ordinaries
where gaming
or tippling,
&c. is permit-
ted.

VI. *AND be it further enacted, by the Authority aforesaid, that if any Ordinary Keeper shall in his House permit unlawful gaming, (a) or suffer any Person or Persons to tittle in his House, or drink more than is necessary on the Lord's Day, or any other Day set apart by publick Authority for religious Worship, or shall harbour or entertain any Seaman or Servants contrary to this Act, it shall be lawful for any two Justices of Peace (one being of the *Quorum*) of the County where such Offender lives, upon their own View and Knowledge, or upon Information and Oath of one or more credible Witnesses, to suppress such Ordinary until the next succeeding Court, and upon Certificate of such Offence made by the said Justices to such Court, and further Inquiry, the Court may disable such Offender from keeping Ordinary thereafter, until they shall think fit to grant him a new License, or may restore him to keep Ordinary upon his former License, as they shall see Cause; and if any Ordinary Keeper shall presume to sell or retail any Liquor after he has been so suppressed by two Justices, and before he is restored by the Court, he or she shall be liable to all the Penalties by this Act laid upon Persons retailing Liquors without License.*

In what Cases
Debts or Obliga-
tions for re-
tailed Liquors
shall be void.

VII. *AND that if any Ordinary Keeper shall sell Drink to any Sailor in actual Pay on Board any Ship, upon Credit, for any Value whatsoever; or if he, or any other Person, shall sell any Liquors by Retail, exceeding twenty Shillings current Money, or the Value thereof, in any one Year, to any Person or Persons, upon Credit; or if any Ordinary Keeper shall take Obligation, or other Specialty, for any Sum, or Quantity of Tobacco whatsoever, for Liquors retailed or sold upon Credit; he or she shall not recover any Money, Tobacco, or other Commodity, for Liquors so sold upon Credit, but every such Debt, Obligation, or Specialty, shall be void: And if any Warrant, Petition, Writ, or Bill, be prosecuted or exhibited against any Person for the same, such Warrant, Petition, or Bill, shall be dismissed, and the Defendant shall have double Costs. (b)*

Process there-
on to be dismis-
sed, with dou-
ble Costs.

Penalty on
Ordinary
Keepers enter-
taining or sel-
ling Drink to
Sailors in Pay
on Board.

VIII. *AND that if any Ordinary Keeper shall sell any Liquor whatsoever, upon Credit, to any Sailor in actual Pay on Board any Ship, or other Vessel, or shall harbour, entertain, or sell Drink to any such Sailor, without License from the Master of the Ship or Vessel to which the Sailor belongs, such Ordinary Keeper shall, for every such Offence, forfeit and pay ten Shillings to the Master of the Ship or Vessel; recoverable, with Costs, before any Justice of Peace of the County wherein such Ordinary Keeper lives.*

How the Pe-
nalties may be
recovered and
appropriated.

IX. *AND that all Penalties and Forfeitures by this Act given or laid, and not herein before appropriated, shall be one Moiety to the King, his Heirs and Successors, for and towards the better Support of this Government and the contingent Charges thereof, the other Moiety to the Informer; recoverable, with Costs, in any Court of Record of this Dominion, having legal Cognizance thereof.*

Ordinaries in
Williamsburg
excepted.

X. *PROVIDED nevertheless, that this Act shall not extend to the Ordinary Keepers of the City of Williamsburg giving Credit to any Person whatsoever during the Times of General Assemblies or Courts of Justice, any Thing aforesaid to the contrary notwithstanding.*

And shall be
under Jurisdic-
tion of the
Court of Hus-
tings.

XI. *AND be it further enacted, by the Authority aforesaid, that the Court of Hustings within the City of Williamsburg shall from henceforth have the sole Power of granting Licenses to Ordinary Keepers within the said City, and that the Courts of the Counties of York and James City shall not exercise any Jurisdiction in that Matter, as hath been formerly done: Provided always, that such*

(a) See 22 Geo. 2. (1748) Cap. 25. Sect. 6 and 7. Penalty on Ordinary Keepers permitting gaming in their Houses.

(b) See 3 Geo. 3. (1762) Cap. 10. for amending this Clause.

Licenfes be granted in the Manner by this A^ct directed. And the Juftices of the faid Court of Huftings fhall have the fame Powers and Authorities, both as to granting Licenfes and regulating and fuppreffing Ordinaries, as the Juftices of any County Court within this Colony have or may exercife. A. D. 1748.

XII. *AND be it further enacted, by the Authority aforefaid, that all and every other A^ct and A^cts, Clause and Claufes, heretofore made for or concerning any Matter or Thing within the Purview of this A^ct, fhall be and are hereby repealed.* Repealing Clause.

XIII. *AND be it further enacted, by the Authority aforefaid, that this A^ct fhall commence and be in Force from and immediately after the tenth Day of June, which fhall be in the Year of our Lord one Thoufand feven Hundred and fifty one.* Commencement of this A^ct.

C H A P. XXV.

An A^ct for preventing exceffive and deceitful Gaming.

I. *BE it enacted, by the Lieutenant Governour, Council, and Burgefles, of this prefent General Affembly, and it is hereby enacted, by the Authority of the fame, that all Promifes, Agreements, Notes, Bills, Bonds, Judgments, Mortgages, or other Securities or Conveyances whatfoever, made, given, granted, drawn, or entered into, or executed, by any Perfon or Perfons whatfoever, before or after paffing this A^ct, where the Whole, or any Part of the Confideration of fuch Promise, Agreement, Conveyances, or Securities, fhall be for Money, or other valuable Thing whatfoever, won, laid, or betted, at Cards, Dice, Tables, Tennis, Bowls, or any other Game or Games whatfoever, or at any Horfe Race, Cockfighting, or any other Sport or Paffime, or on any Wager whatfoever, or for the reimbursing or repaying any Money, knowingly lent or advanced for fuch Ufes, to any Perfon or Perfons whatfoever, or lent or advanced at the Time and Place of fuch Play, Horfe Racing, Cockfighting, or other Sport or Paffime, to any Perfon or Perfons fo gaming, betting, or wagering, or that fhall at fuch Time and Place fo play, bet, or wager, fhall be utterly void, frustrate, and of none Effect, to all Intents and Purpofes whatfoever, any Law, Custom, or Ufage, to the contrary thereof, in any Wife notwithstanding.* His Majesty gave his Affent to this A^ct O^ct. 31, 1751.

II. *AND that where fuch Mortgages, Securities, or other Conveyances, fhall be of Lands, Tenements, or Hereditaments, or fhall be fuch as encumber or affect the fame, fuch Mortgages, Securities, or other Conveyances, fhall enure and be to and for the fole Ufe and Benefit of, and fhall devolve upon, fuch Perfon and Perfons as fhould or might be entitled to fuch Lands, Tenements, or Hereditaments, in Cafe the faid Grantor or Grantors thereof, or the Perfon or Perfons fo encumbering the fame, had been naturally dead, and as if fuch Mortgages, Securities, or other Conveyances, had been made to fuch Perfon or Perfons fo to be entitled after the Deceafe of the Perfon or Perfons fo encumbering the fame; and all Grants or Conveyances made, or to be made, for the preventing of fuch Lands, Tenements, or Hereditaments, from coming to, or devolving upon, fuch Perfon or Perfons hereby intended to enjoy the fame as aforefaid, fhall be deemed fraudulent and void, and of none Effect, to all Intents and Purpofes whatfoever.* Real Estate encumbered by gaming fhall devolve to the next Heir.

III. *AND be it further enacted, by the Authority aforefaid, that if any Perfon or Perfons whatfoever, at any Time hereafter, within the Space of twenty four Hours, by playing at any Game or Games whatfoever, or by betting on the Sides or Hands of fuch as do play at any Game or Games, fhall lofe to any one or more Perfon or Perfons fo playing or betting the Sum or Value of forty Shillings,* The Lofers of 40s. or more, may recover all Money paid.

A. D. 1743.

If the Loser
does not sue in
3 Months, any
other Person
may; and shall
recover the
Money paid,
and treble the
Value.

or more, in the Whole, and shall pay, or deliver the same, or any Part thereof, the Person or Persons so losing and paying, or delivering the same, shall be at Liberty, within three Months then next following, to sue for and recover the Money or Goods so lost, and paid or delivered, or any Part thereof, from the respective Winner or Winners thereof, with Costs of Suit, by Action of Debt founded on this Act, to be prosecuted in any Court of Record within this Colony, where the Sum or Value thereof shall be cognizable, in which Action it shall be sufficient for the Plaintiff to allege that the Defendant is indebted to the Plaintiff, or received to the Plaintiff's Use the Money so lost and paid, or converted the Goods won of the Plaintiff to the Defendant's Use, whereby the Plaintiff's Action accrued to him, according to the Form of this Act, without setting forth the special Matter; and in Case the Party losing such Money, or other Thing as aforesaid, shall not within the Time aforesaid, really and *bonâ fide*, without Conviction or Collusion, sue, and with Effect prosecute for the Money, or other Thing, so lost and paid, or delivered, it shall and may be lawful to and for any other Person or Persons, by any such Action or Suit as aforesaid, to sue for and recover the same, and treble the Value thereof, with Costs of Suit, against such Winner or Winners as aforesaid, the one Moiety thereof to the Use of the Person or Persons suing for the same, and the other Moiety to the Use of the Parish where such Offence shall be committed: And every Person who, by Virtue of this present Act, shall or may be liable to be sued for Monies or other Things so won as aforesaid, shall be obliged and compellable to answer, upon Oath, such Bill or Bills as shall be preferred against him or them, for discovering the Money or other Things so won at Play as aforesaid.

But Repay-
ment dis-
charges the
Penalty.

IV. *PROVIDED* always, that upon Discovery and Repayment of the Money, or other Thing, so to be discovered and repaid as aforesaid, the Person and Persons discovering and repaying the same shall be acquitted, indemnified, and discharged, from any further or other Forfeiture, Punishment, or Penalty, which he or they may have incurred by the playing for, and winning, such Money, or other Thing, so discovered and repaid.

Penalties on
Persons play-
ing at publick
Places.

V. AND to prevent gaming at Ordinaries and other publick Places, which must be often attended with Quarrels, Disputes, and Controversies, the Impoverishment of many People and their Families, and the Ruin of the Health and Corruption of the Manners of Youth, who upon such Occasions frequently fall in Company with lewd, idle, and dissolute Persons, who have no other Way of maintaining themselves but by gaming: *Be it further enacted, by the Authority aforesaid*, that if any Person or Persons shall, at any Time, play in an Ordinary, Racefield, or any other publick Place, at any Game or Games whatsoever, except Billiards, Bowls, Backgammon, Chess, or Draughts, or shall bet on the Sides or Hands of such as do game, every such Person, upon Conviction thereof before any Justice of Peace in any County within this Colony, by the Oath of one or more credible Witness or Witnesses (which Oath the said Justice is hereby empowered to administer) or by the View of such Justice, or the Confession of the Party accused, shall forfeit and pay five Pounds current Money, to be levied by Distress and Sale of the Offender's Goods, by Warrant under the Hand of the Justice before whom such Conviction shall be, and for the Use of the Poor of the Parish wherein such Offence shall be committed; and, moreover, every Person so convicted shall be committed to the County Gaol, there to remain until he, she, or they, give sufficient Security for his, her, or their, good Behaviour for twelve Months next after such Conviction.

On Ordinary
Keeper who
permits gam-
ing.

VI. *AND be it further enacted, by the Authority aforesaid*, that if any Ordinary Keeper shall suffer or permit any Person or Persons whatsoever to play at any unlawful Game or Games whatsoever in his House, Shed, Booth, Arbour, or Stall, either by Night or Day, every such Ordinary Keeper, being thereof convicted before any Justice of Peace, by the Oath of one or more credible

Witness or Witnesses, Confession, or View of a Justice as aforesaid, shall forfeit and pay five Pounds current Money, to be levied and applied in like Manner as the other last mentioned Fine of five Pounds is by this Act directed to be levied and applied. And if any Justice or Justices of Peace shall be present at any unlawful gaming, at any Time or Place, except in private Houses, and shall neglect to issue his Warrant for levying the Fine on every Person so gaming or betting, every such Justice shall forfeit and pay five Pounds, one Half to the Informer, and the other Half to the Churchwardens, to the Use of the Poor of the Parish; recoverable, with Costs, by Action of Debt or Information, in any County Court. (a)

A. D. 1748.

On Justices neglecting to put this Act in Execution.

VII. *PROVIDED* always, that any Person aggrieved by the Judgment of any Justice of Peace, upon any Conviction for any of the Offences in this Act cognizable before him, may appeal to the next Court to be held for the County where such Person shall be convicted, but shall give reasonable Notice of such Appeal to the Party prosecuting him or her, and shall also enter into Recognizances, with two sufficient Sureties, before some Justice of the County wherein the Judgment was given, on Condition to try such Appeal at the next Court held for the same County after the entering such Appeal, which shall be by the said Court then heard and finally determined: Provided also, that no such Judgment shall be set aside for Want of Form, wherein it shall appear to the Court that the Facts were sufficiently proved at the Trial; nor shall any such Judgment be removed, or removeable, by Appeal, or any Writ or Process whatsoever, into the General Court.

Liberty of Appeal to the County Court.

VIII. *AND* be it further enacted, by the Authority aforesaid, that if any Person or Persons whatsoever do or shall, at any Time or Times, by any Fraud, Shift, Cozenage, Circumvention, Deceit, unlawful Device, or evil Practice whatsoever, in playing at or with Cards, Dice, or any other Game or Games, or in or by bearing a Share or Part in the Stakes, Wagers, or Adventures, or in or by betting on the Sides or Hands of such as do or shall play, win, obtain, or acquire, to him or themselves, or to any other or others, any Sum or Sums of Money, or other valuable Thing or Things whatsoever, every Person so winning by such ill Practice, and being thereof convicted, upon Indictment, or Information, shall forfeit five Times the Value of the Money or other Thing so won, and shall be deemed infamous, and suffer such corporal Punishment as in Cases of wilful Perjury; and such Penalty shall be recoverable, with Costs, by any Person or Persons suing for the same, by Action of Debt, in any Court of Record of this Dominion having Cognizance thereof.

Punishment of Cheats.

IX. *AND* whereas divers lewd and dissolute Persons live at great Expenses, having no visible Estate, Profession, or Calling, to support them, but by gaming only, *Be it therefore further enacted, by the Authority aforesaid, that it shall be lawful for any two Justices of Peace, in any County or Corporation, to cause to come, or be brought before them, every Person within their respective Limits whom they shall have just Cause to suspect to have no visible Estate, Profession, or Calling, to maintain himself by, but for the most Part supporting himself by gaming; and if such Person shall not make it appear to such Justices that the principal Part of his Expenses is not maintained by gaming, they shall require of him sufficient Securities for his good Behaviour for the Space of twelve Months, and on Refusal thereof shall commit him to the common Gaol, there to remain until he shall find such Securities: And if such Person shall give such Securities, and afterwards within that Time shall play or bet for any Money, or other valuable Thing whatsoever, such playing or betting shall be a Breach of the Behaviour, and a Forfeiture of the Recognizance given for the same.*

Gamblers may be bound to good behaviour, or committed.

(a) See the Act immediately preceding, Sect. 6.

A. D. 1748.

Penalty on
Gaming Quar-
rels.

X. AND to prevent Quarrels happening by gaming, *It is hereby further enacted*, that if any Person or Persons shall assault and beat, or shall challenge, or provoke to fight, any Person or Persons whatsoever, upon Account of any Money, or other Thing won by gaming or betting, the Person and Persons so assaulting, beating, challenging, or provoking to fight, being thereof convicted, shall forfeit to the Party grieved ten Pounds current Money, to be recovered, with Costs, by Action of Debt, in any County Court, and moreover shall be liable to the Action of the Party grieved, at the common Law.

Repealing
Clause.

XI. AND be it further enacted, by the Authority aforesaid, that all and every other Act and Acts, Clause and Clauses, heretofore made for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.

Commence-
ment of this
Act.

XII. AND be it further enacted, by the Authority aforesaid, that this Act shall commence and be in Force from and immediately after the tenth Day of June, which shall be in the Year of our Lord one Thousand seven Hundred and fifty one.

C H A P. XXVI.

*An Act concerning Marriages. (a)*His Majesty
gave his Assent
to this Act
Oct. 31, 1751.No Persons
shall be married
without Li-
cense, or Publi-
cation of
Banns.Penalty on
Ministers mar-
rying other-
wife.* To not in
the Roll.On granting
a false Certifi-
cate of the
Banns being
published.

I. *BE it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same*, that no Minister shall celebrate the Rites of Matrimony between any Persons, or join them together as Man and Wife, without lawful License, or thrice Publications of Banns according to the Rubrick in the Book of Common Prayer; and if the Persons to be married dwell in several Parishes, the Banns shall be published in each Parish, and the Minister of the one Parish shall not solemnize the Matrimony until he hath a Certificate from the Minister of the other Parish that the Banns have been thrice published, and no Objection made against the Parties joining together. And if any Minister shall celebrate the Rites of Matrimony, or join any Persons in Marriage, without such License, or Publication of Banns, as by this Act required, he shall for every such Offence be imprisoned one whole Year, without Bail or Mainprize, and shall also forfeit and pay five Hundred Pounds current Money; and if any Minister shall go out of this Government, and there join in Marriage any Person or Persons belonging to this Colony, without such License, or Publication of Banns, he shall be liable to the same Penalties and Forfeitures as if such Marriage had been by him celebrated within this Dominion: Provided always, that where any Parish or Parishes have not a Minister the Clerk or Reader may publish Banns, and if no Objection be made grant Certificate thereof, which, together with a Certificate under the Hand and Seal of a Justice of the Peace for the said County, living in the Parish where such Publication shall be, certifying that the *Feme* so * to be joined hath been an Inhabitant of the said Parish one Month next before the Date of such Certificate, shall be sufficient for any Minister to solemnize the Rites of Matrimony; and if any Minister, Clerk, or Reader, shall grant or issue a false Certificate, he shall suffer the Imprisonment without Bail, and pay the Forfeiture aforesaid, and shall also be liable to be prosecuted and punished as in Case of Forgery. And that all or any of the Offences aforesaid may be prosecuted, tried, and determined, in any Court of Record of this Dominion; which Courts are hereby declared to have Cognizance thereof, and may hear and determine the same, and award Execution thereupon, according to the Course of the common Law.

(a) See 3 and 4 Geo. 2. (1730) Cap. 2. for preventing incestuous Marriages.

27 Geo. 2. (1753) Cap. 2. Sect. 9, 14, 15. prohibiting Marriages between white Persons, Negroes, Mulattoes, &c.

II. *AND be it further enacted, by the Authority aforesaid,* that every License for Marriage shall be issued by the Clerk of the Court of that County wherein the *Feme* usually resides, in Manner following, that is to say: He shall take Bond, with good Surety, for the Sum of fifty Pounds current Money, to our Sovereign Lord the King, his Heirs and Successors, with Condition that there is no lawful Cause to obstruct the Marriage for which the License shall be desired, and every Clerk failing herein shall forfeit and pay fifty Pounds current Money; and if either of the Parties intending to marry shall be under the Age of one and twenty Years, and not theretofore married, the Consent of the Father or Guardian of every such Infant shall be personally given before the said Clerk, or certified under the Hand and Seal of such Father or Guardian, attested by two Witnesses, and thereupon the Clerk shall issue License, and certify that Bond is given; and if the Parties, or either of them, be under the Age aforesaid, he shall also certify the Consent of the Father or Guardian, and the Manner thereof, to the first Justice sworn in Commission of the Peace, or in his Absence to the next Justice sworn in that County, who is hereby authorized and required to sign and direct the same; and every License so obtained and signed, and no other whatsoever, is hereby declared to be a lawful License; and if any County Court Clerk shall, in any other Manner, issue or certify any Marriage License, or if any Person whatsoever shall presume to sign or direct such License in other Manner, or without such Certificate as is by this Act required and directed, every Person so offending shall be imprisoned one whole Year, without Bail or Mainprize, and shall forfeit and pay five Hundred Pounds current Money, all which Penalties shall be cognizable as aforesaid.

A. D. 1748.
The Manner
of issuing Mar-
riage Licenses.

Where an In-
fant marries.

Penalties on
issuing or sign-
ing License
contrary to this
Act.

III. *AND be it further enacted, by the Authority aforesaid,* that if any *Feme Sole*, of the Age of twelve, and under sixteen Years, shall marry any Person whatsoever contrary to the Will or Consent of her Father or Guardian, and without legal Publication of the Banns, then the next of Kin to such *Feme* to whom the Inheritance should descend, or come, shall have Right to enter upon and take Possession of all Lands, Tenements, Hereditaments, and other real Estate whatsoever, which such *Feme*, at the Time of her Marriage, had in Possession, Reversion, or Remainder, and shall have, hold, occupy, and enjoy the same, to him or her, and the Representatives of his or her Stock, with all the Immunities and Privileges thereto belonging, during the Time of such Coverture; but after Determination thereof, all such Estate, and the Possession, Reversions, and Remainders, Rights, Immunities, and Privileges, shall immediately revert, be, and remain, in the said *Feme*, and her Heirs, other than her Husband, and she and they, and every of them, may re-enter, and take Possession thereof, as if this Act had never been made.

In what Case
a *Feme* of
12, and under
16 Years, for-
feits her Inhe-
ritance.

IV. *AND be it further enacted, by the Authority aforesaid,* that if any Minister, Clerk, or Reader, shall wittingly publish the Banns of Marriage between any Servants by Act of Parliament, Act of Assembly, Indenture, or Custom, or between any free Person and such Servant, or if any Minister shall knowingly marry any such without Certificate from the Master or Owner of every such Servant that it is with his or her Consent, every Minister, Clerk, or Reader, so offending, shall forfeit and pay ten Thousand Pounds of Tobacco for every such Offence, recoverable in any Court of Record of this Colony; and every such Servant, so married without Consent of his or her Master or Owner, shall serve him or her, and his or her Assigns one whole Year, after all other Time of Service is expired, or pay him or her five Pounds current Money; and every free Person, so marrying such Servant, shall pay the Master or Owner five Pounds current Money, for his or her own Use, recoverable in any County Court, with Costs, or shall well and faithfully serve such Master or Owner one whole Year, in actual Service.

Penalties on
publishing
Banns, or mar-
rying any Ser-
vant.

On Servants
married, and
free Persons
marrying such.

* And not in
the Roll.

A. D. 1748.

Fees for Mar-
riages.For a Funeral
Sermon.
Penalties for
exacting greater
Fees.How the For-
feitures shall be
recovered and
applied.Repealing
Clause.Commence-
ment of this
Act.

V. *AND be it further enacted, by the Authority aforesaid, that every County Court Clerk shall, in October annually, deliver to the Governour, or Commander in Chief of this Dominion for the Time being, a true List of all Marriage Licenses by him issued; and that the Fees due and demandable upon Marriages be as follows, to wit: To the Governour, or Commander in Chief for the Time being, for every Marriage License twenty Shillings, to be paid to the County Court Clerk before License issued, and by him to be accounted for at the Time aforesaid; to the Minister, if by License twenty Shillings, by Banns five Shillings; for publishing Banns, and Certificate thereof where required, one Shilling and and Sixpence, and no more; and every Minister shall have the Benefit of the Fees arising within his Parish for Marriages, and also for Funeral Sermons, if he shall not neglect or refuse to serve, although another Minister be employed to do the same, which Fee, for every Funeral Sermon, where preached upon Request, shall be forty Shillings, and no more. And if any Minister shall refuse to celebrate the Rites of Matrimony for the Fees herein before allowed him, or shall exact other or greater Fees; or if he, or any Parish Reader, or Clerk, shall refuse to publish the Banns, or to certify the same, when required, for the Fee aforesaid, or exact any other or greater Fee, every Person so offending shall forfeit and pay two Thousand Pounds of Tobacco, to the Party grieved, for every such Offence, recoverable in any County Court of this Dominion. And that one Moiety of all Forfeitures arising by this Act, and not otherwise appropriated, shall be to our Sovereign Lord the King, his Heirs and Successors, for and towards the better Support of this Government and the contingent Charges thereof, the other Moiety to the Party or Parties who shall inform or sue for the same; and all Forfeitures aforesaid shall be recoverable with Costs, by Action of Debt or Information, in any Court of Record by this Act declared to have Cognizance thereof.*

VI. *AND be it further enacted, by the Authority aforesaid, that one Act made in the fourth Year of Queen Anne, intituled An Act concerning Marriages, and every other Act and Acts, Clause and Clauses, heretofore made for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.*

VII. *AND be it further enacted, by the Authority aforesaid, that this Act shall commence and be in Force from and immediately after the tenth Day of June, which shall be in the Year of our Lord one Thousand seven Hundred and fifty one.*

C H A P. XXVII.

His Majesty
gave his Assent
to this Act Octo-
ber 31, 1751.

An Act for ascertaining the Damage upon protested Bills of Exchange, and for the better Recovery of Debts due on promissory Notes, and for the Assignment of Bonds, Obligations, and Notes.
(a)

Preamble.

I. **W**HEREAS Bills of Exchange are accounted, in the Course of all Payments in the Colony, as ready Money, and it is reasonable, for advancing the Credit and Circulation of such Bills, to make the same a sufficient Security, and to expedite the Recovery of Money thereupon:

II. *BE it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,*

(a) See 28. Geo. 2. (1755) Cap. 2. Courts to settle at what Rates of Exchange Sterling Judgments may be discharged. Sect. 4. Sum paid in current to be expressed in every Bill of Exchange.

that where any Bill of Exchange is or shall be drawn for the Payment of any Sum of Money, in which the Value is or shall be expreffed to be received, and fuch Bill is or shall be protested for Non-Acceptance, or Non-Payment, the fame shall carry Interest from the Date thereof, after the Rate of ten *per Centum per Annum*, until the Money therein drawn for shall be fully fatisfied and paid; but left any Person, having fuch Bill, fhould, for the Sake of the faid Interest, delay negotiating the fame, or if after it shall be protested, shall not demand Payment of the Drawer or Endorfer thereof, *It is hereby declared*, that no Person whatsoever shall pay more than eighteen Months Interest from the Date of any Bill to the Time it shall be prefented protested to the Drawer or Endorfer, or Endorfers, thereof.

A. D. 1748.
Ten *per Centum per Annum*
Damage upon
protected Bills.

III. *AND be it further enacted, by the Authority aforefaid*, that it shall be lawful for any Person or Persons, having a Right to demand any Sum of Money upon a protested Bill of Exchange, to commence and profecute an Action of Debt for Principal, Interest, and Charges of Protest, againft the Drawers and Endorfers jointly, or againft either of them feparately, and Judgment shall and may be given for fuch Principal and Charges, and Interest after the Rate of ten *per Centum per Annum*, as aforefaid, to the Time of fuch Judgment, and for Interest upon the Money recovered, after the Rate of five *per Centum per Annum*, until the fame shall be fully fatisfied.

How Judgment shall be recovered and entered.

IV. *AND* that all Bills of Exchange which are or shall be protested shall, after the Death of the Drawer or Endorfer thereof, be accounted of equal Dignity with a Judgment; and the Executors or Adminiftrators of every fuch Drawer or Endorfer shall be compelled to fuffer Judgment to pafs againft them for all Debts due upon protested Bills of Exchange, before any Bond, Bill, or other Debt, of equal or inferiour Dignity, under the Penalty of being liable to pay the fame out of their own proper Goods.

Protected Bills equal to Judgment, and shall be paid by Executors, &c. before other Debts.

V. *AND* to the End the Recovery of Money upon promiffory Notes, and other Writings without Seal, may be rendered more eafy, *Be it further enacted, by the Authority aforefaid*, that if any Person or Persons have figned, or shall fign, any Note, or other Writing, whereby he, fhe, or they, promife or oblige him, her, or themfelves, to pay any Sum of Money, or Quantity of Tobacco, to any other Person or Persons, fuch Person or Persons, to whom the fame is or shall be payable, may commence and maintain an Action of Debt, and recover Judgment for what shall appear due thereupon, with Cofts.

Actions of Debt maintainable upon Notes of Hand.

VI. *AND be it further enacted, by the Authority aforefaid*, that when any Suit shall be commenced and profecuted in any Court within this Colony for any Debt due by Judgment, Bond, Bill, or otherwife, the Defendant shall have Liberty, upon Trial thereof, to make all the Discount he can againft fuch Debt, and upon Proof thereof the fame shall be allowed in Court.

Defendant may prove his Discounts.

VII. *AND be it further enacted, by the Authority aforefaid*, that it shall and may be lawful to and for any Person or Persons to affign and transfer any Bond or Bill for Debt, or any fuch Note as aforefaid, to any other Person or Persons whatsoever; and that the Affignee or Affignees, his and their Executors and Adminiftrators, by Virtue of fuch Affignment, shall and may have lawful Powe to commence and profecute any Suit at Law, in his, her, or their own Name or Names, for the Recovery of any Debt due by fuch Bond, Bill, or Note, as the firft Obligee, his Executors and Adminiftrators, might or could lawfully do: Provided always, that in any Suit upon fuch Bond, Bill, or Note, fo affigned, the Plaintiff shall allow all Discounts that the Defendant can prove, either againft the Plaintiff himfelf or againft the firft Obligee, before Notice of fuch Affignment was given to the Defendant.

Affignee of Bonds, &c. may fue and recover.

But shall allow Discounts againft himfelf, or the firft Obligee, before Notice of Affignment.

A. D. 1748.
 Repealing
 Clause.

VIII. *AND be it further enacted, by the Authority aforesaid, that one Act made in the third and fourth Years of the Reign of his present Majesty, intituled An Act for ascertaining the Damage upon protested Bills of Exchange, and for the better Recovery of Debts due on promissory Notes, and for the Assignment of Bonds, Obligations, and Notes, and all and every other Act and Acts, Clause and Clauses, heretofore made for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.*

Commence-
 ment of this
 Act.

IX. *AND be it further enacted, by the Authority aforesaid, that this Act shall commence and be in Force from and immediately after the tenth Day of June, which shall be in the Year of our Lord one Thousand seven Hundred and fifty one.*

C H A P. XXVIII.

His Majesty
 gave his Assent
 to this Act
 Oct. 31, 1751.

An Act for the Support of the Clergy, and for the regular collecting and paying the Parish Levies. (a)

Salary of
 Ministers.

I. *BE it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that every Minister now preferred, or hereafter to be preferred to, or received into any Parish within this Dominion, shall have and receive an annual Salary of sixteen Thousand Pounds of Tobacco, and Cask, with an Allowance of four per Cent. for Shrinkage; to be levied, assessed, collected, and paid, in Manner herein after directed.*

The Time
 and Manner of
 laying the Pa-
 rish Levy.

II. *AND be it further enacted, by the Authority aforesaid, that the Vestry of every Parish within this Dominion shall, and they are hereby authorized and required, at some convenient Time, before the first Day of December, in each Year, to meet and lay the Parish Levy, whereof publick Notice shall be given by the Minister, or Reader, at each Church in the Parish; and every Vestry is hereby authorized and required to levy and assess, upon the tithable Persons in their respective Parishes, as well the Minister's Salary aforesaid as all other the Parish Charges, and also the legal Allowance for Cask, where the Tobacco due to any Parish Creditor shall be contracted for to be paid with Cask, together with the Allowance of six per Centum for collecting the Parish Levy.*

Provision for
 vacant Parishes.

III. *AND be it further enacted, by the Authority aforesaid, that where any Parish is or shall become vacant, by the Death or Removal of their Minister, the Vestry of such Parish shall have Power to levy the Salary aforesaid, or any Part thereof, for satisfying some neighbouring or other Minister, or Ministers, for serving in the Cure of such Parish during the Vacancy.*

How the Levy
 shall be collect-
 ed and paid.

IV. *AND for the better collecting and paying the Parish Levies, Be it further enacted, by the Authority aforesaid, that the Vestry of every Parish respectively shall be and is hereby authorized and empowered to nominate and appoint such Person as they shall think fit to collect and receive their Parish Levy, the Person so appointed giving Bond, with sufficient Securities, that he will duly collect, pay, and satisfy, unto the several Parish Creditors, all Tobacco for them levied; and every such Collector, for his Trouble, shall have the Allowance herein before appointed, and shall also have full Power and Authority, by Virtue of this Act, upon Refusal of Payment of the said Levies, or any Part thereof, by any Person or Persons chargeable therewith, to distrain the Slaves, Goods, and Chattels, of*

Collector shall
 give Bond and
 Security.

His Allow-
 ance and Pow-
 er to distrain.

(a) See 13. Car. 2. (1661) Cap. 7. with the Notes subjoined.

the Party refusing, and to make Sale thereof, in the fame Manner as is by Law directed for other Distresses: And if the Vestry of any Parish shall neglect or refuse to levy the Tobacco due to the Minister, or other Parish Creditors, in such Case all and every the Vestrymen of the Parish neglecting or refusing shall be liable to the Action of the Party grieved, his or her Executors or Administrators, for all Damages which he or she shall sustain by such Refusal or Neglect.

A. D. 1748.

Vestry refusing to levy Tobacco due to Parish Creditors liable for Damages.

V. *AND be it further enacted, by the Authority aforesaid,* that in every Parish of this Dominion, where a good and convenient Glebe is not already purchased and appropriated, a good and convenient Tract of Land, to contain two Hundred Acres at the least, shall be purchased by the Vestry, and assigned and set apart for a Glebe, for the Use of the Minister of such Parish, and his Successors, in all Times hereafter; and where Mansion and other convenient Out-houses are not already erected, for the Habitation of the Minister, *It is hereby declared and enacted,* that the Vestry of every such Parish shall have Power, and they are hereby authorized and required, to cause to be erected and built on such Glebe one convenient Mansion House, Kitchen, Barn, Stable, Dairy, Meat House, Corn House, and Garden, well paled, or enclosed with Mud Walls, with such other Conveniences as they shall think fit, and to levy the Charge of the Glebe Land, and Buildings, on the tithable Persons in their respective Parishes.

Provision for Glebe Lands and Buildings.

VI. *AND to the End the Buildings already erected, or hereafter to be erected, upon every Glebe, may be kept in good Repair, It is hereby further enacted,* that every Parish Minister within this Dominion shall, during the Time of his being Minister of the Parish, keep and maintain the Mansion House, and all other the Out-houses and Conveniences erected or to be erected on his Glebe, in tenantable Repair, and shall so leave the same at his Removal from his Parish, or Death, Accidents by Fire, or Tempest, only excepted; and in Case any Minister shall fail so to do, such Minister, his Executors and Administrators, shall be liable to the Action of the Churchwardens of the Parish for the Time being, wherein the Value of such Repairs shall be recovered in Damages, with Costs of Suit, and the Damages so recovered shall be applied and laid out in making necessary Repairs upon the Glebe. And every Vestry of a vacant Parish is hereby empowered and required to put all the Buildings upon the Glebe of their Parish into such good and sufficient Repair as that the same may be fit for the Reception of the succeeding Minister: Provided nevertheless, that any Vestry who shall judge that the Minister has not wilfully committed any Waste on his Glebe may make such necessary Repairs, at the Charge of their Parish, as they shall think fit; and every Minister, received into any Parish as aforesaid, shall be entitled to all the spiritual and temporal Benefits of his Parish, and may maintain an Action of Trespass against any Person or Persons whatsoever who shall disturb him in the Possession and Enjoyment thereof.

The Tenements shall be kept in Repair.

Minister failing to repair liable for Damages.

Vestries of vacant Parishes shall repair.

Proviso.

Ministers Rights.

VII. *AND whereas it is doubted how long the Right of Presentation of a Minister to a Parish remains in the Vestries in this Colony: For settling that Matter, Be it further enacted, by the Authority aforesaid,* that the sole Right of Presentation shall be and remain in the several Vestries, for and during the Term of twelve Months next after a Vacancy shall happen in their respective Parishes.

Vestries Right of Presentation declared and limited.

VIII. *AND be it further enacted, by the Authority aforesaid,* that one Act made in the first Year of the Reign of his present Majesty, intituled *An Act for the better Support of the Clergy of this Dominion, and for the more regular collecting and paying the Parish Levies,* and all and every other Act and Acts, Clause and Clauses, heretofore made for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.

Repealing Clause.

A. D. 1748.

Commence-
ment of this
Act.

IX. *AND be it further enacted, by the Authority aforesaid, that this Act shall commence and be in Force from and immediately after the tenth Day of June, which shall be in the Year of our Lord one Thousand seven Hundred and fifty one.*

C H A P. XXIX.

His Majesty
gave his Assent
to this Act
Oct. 31, 1751.

An Act for preventing Frauds in the Customs and in clearing of Ships, for ascertaining Collectors and Naval Officers Fees, and to prohibit and prevent the casting Ballast or dead Bodies into Rivers or Creeks.

Preamble.

I. **F**OR preventing Frauds and Concealments in clearing Ships and Vessels, and in Payment of Customs, Duties, or Impositions, laid upon Tobacco, Skins, Furs, or any other Goods or Merchandises whatsoever, exported out of this Colony and Dominion :

Bond to be
given by Mas-
ters of Ships en-
tering or load-
ing Goods for
Exportation.

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgessees, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that the Master of every Ship or Vessel entering into this Colony for Trade, or being here is designed to take on Board and lade any Tobacco, Skins, Furs, or other Goods or Merchandises whatsoever, in Order to export and carry the same out of this Dominion, at his Entry, and before he be permitted to break Bulk and trade, or to lade and take on Board any Goods or Merchandises whatsoever, shall give Bond to the Naval Officer, with one Surety, to our Sovereign Lord the King, his Heirs, and Successours, that he will not depart with his said Ship or Vessel from the District or Port where she is entered until Payment be made of the several Duties, Customs, Impositions, and Fees, accruing due from the said Ship or Vessel for or by Reason of any Tobacco, Skins, Furs, or other Goods and Merchandises shipped and laden in her, nor until the said Ship or Vessel be duly cleared by the Collector and Naval Officer of the said District or Port.*

The Sums of
the Bonds, and
how forfeited.

III. *AND be it further enacted, by the Authority aforesaid, that if the Ship or Vessel be under fifty Tuns the said Bond shall be for fifty Pounds, if above fifty Tuns, and under one Hundred Tuns, for one Hundred Pounds, and if one Hundred Tuns, or more, for two Hundred Pounds, and shall be delivered back upon due clearing with the Officers aforesaid, but wholly forfeited, without Relief in Equity, in Case the Condition thereof be broken.*

Oath upon
Clearance.

IV. *AND be it further enacted, by the Authority aforesaid, that the Master of every Ship or Vessel, upon clearing, shall make Oath before the Officer with whom he clears (which Oath the said Officer is hereby empowered and required to administer) what Tobacco, Skins, Furs, or other Goods or Merchandises are then shipped and laden on Board his Ship or Vessel, and that he will not afterwards lade or take on Board any more Tobacco, Skins, Furs, or other Goods or Merchandises whatsoever, for which any Custom, Duty, or Imposition, is to be paid, or which the Law requires to be entered, without a lawful Permit for his so doing, from any Officer of the District or Port wherein the said Tobacco, Skins, Furs, Goods, or Merchandises, are to be so laden and taken in.*

To whom the
Duties shall be
paid.

V. *AND be it further enacted, by the Authority aforesaid, that the Customs, Duties, or Impositions, accruing due for any Tobacco, Skins, Furs, or other*

Goods or Merchandises whatsoever, which shall be shipped or laden on Board any Ship or Vessel, in Order to be exported out of this Colony, shall be answered and paid to the Collector or Receiver of the said Customs, Duties, or Impositions, in the District or Port where the said Ship or Vessel rides, when the said Tobaccoes, Skins, Furs, Goods, or Merchandises, are laden and taken in, and to no other Collector or Receiver whatsoever, notwithstanding the same be brought thither from another District or Port. A. D. 1748.

VI. *AND be it further enacted, by the Authority aforesaid,* that upon any Suspicion of Fraud or Concealment, or that the Master of any Ship or Vessel doth make a false Report of his Lading, it shall be lawful for the Naval Officer and Collector of the District or Port, or either of them, for Discovery of the said Fraud or Concealment, and for the better finding out the Truth of the Matter, to examine, upon Oath, the Mate, Boatswain, or any other of the Seamen belonging to the said Ship or Vessel, as also any other Person or Persons whatsoever, concerning the Lading of the said Ship or Vessel, as to the said Collector and Naval Officer, or either of them, shall seem fit and convenient. Officer's Power to detect Concealments or Frauds.

VIII. *AND be it further enacted, by the Authority aforesaid,* that the Collector's Fees shall be as followeth, that is to say: Collector's Fees.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
For entering and clearing any Ship or Vessel of fifty Tuns, or under (all Vessels transporting Goods or Commodities from one District to another excepted) and all Fees thereunto incident,	0	10	0
For entering and clearing any Ship or Vessel above fifty Tuns, and under one Hundred Tuns, and all Fees thereunto incident,	0	15	0
For entering and clearing any Ship or Vessel of one Hundred Tuns, or above, and all Fees thereunto incident,	1	5	0
For taking a Plantation Bond, pursuant to the Act of Trade and Navigation,	0	2	6
For a Certificate of Duties paid upon Goods shipped to the Plantations,	0	2	6

And that the Naval Officee's Fees be as followeth, that is to say:

For entering and clearing any Ship or Vessel of fifty Tuns, or under, except as is before excepted,	0	7	6	Naval Officer's Fees.
For entering and clearing any Ship or Vessel above fifty and under one Hundred Tuns,	0	10	0	
For entering and clearing any Ship or Vessel of one Hundred Tuns, or above,	1	5	0	
For taking a Bond,	0	2	6	
For a Permit to trade,	0	2	6	
For every loading Cocket here,	0	0	6	
For a Permit to load a Ship or Vessel for Exportation,	0	2	6	
For a Certificate for all imported Goods that shall be removed out of one District or River into another, after they are once landed, (to be paid to the Officer of the District from whence the said Goods are brought)	0	2	6	

All which Fees shall be paid in Sterling, or current Money at five and twenty *per Cent.* (a)

VIII. *AND that the Naval Officers and Collectors, for any the Services before mentioned, shall charge no more than Half of the Fees aforesaid for any Ship or Vessel wholly belonging to the Inhabitants of this Country.* (b) Virginia Owners pay only Half Fees.

(a) By 7 Geo. 3. (1766) Cap. 21. Custom House Officers to give Receipts, &c. for Fees,

(b) See 13 Car. 2. (1661) Cap. 12.

A. D. 1748.

Penalty on
Officer taking
other or greater
Fees.

IX. *AND be it further enacted, by the Authority aforesaid,* that it shall not be lawful for any Collector or Naval Officer within this Colony and Dominion to demand and take any Fee or Fees for any other Business, Matter, or Thing, by him done or performed, as Collector or Naval Officer, or as Collector or Receiver of any *Virginia* Duties, than the Particulars before enumerated in this Act, or to demand and take any greater Fee for any of the Particulars before enumerated than the Fee given and allowed by this Act for the same; and if any Collector or Naval Officer shall offend in either of the Premises, and be thereof lawfully convicted, he shall for the first Offence forfeit and pay one Hundred Pounds, one Moiety to our Sovereign Lord the King, his Heirs and Successors, for and towards the better Support of this Government and the contingent Charges thereof, and the other Moiety to the Party injured, to be recovered, with Costs, in any Court of Record within this Dominion, by Action of Debt or Information, wherein no Essoin, Protection, or Wager of Law, Privilege, or more than one Imparance, shall be allowed: And if the Collector or Naval Officer shall offend a second Time, and be thereof lawfully convicted, he shall be thereby disabled in Law, and made utterly incapable, to hold, execute, and enjoy, his Place and Office of Collector or Naval Officer, or any Profit or Advantage arising therefrom, for ever; and the said Place and Office shall, immediately after such Conviction, be void, to all Intents and Purposes, as if the said Collector or Naval Officer had been naturally dead, and moreover shall forfeit and pay to the Informer the Sum of twenty Pounds, to be recovered, with Costs, as aforesaid.

If the Party
injured does
not sue within
3 Months, any
other Person
may.

X. *AND be it further enacted, by the Authority aforesaid,* that if any Person injured by any Collector or Naval Officer, demanding and taking any Fee or Fees contrary to this Act, shall fail to inform against the said Collector or Naval Officer for the said Offence, within three Months after the Offence committed, it shall be thereafter lawful for any other Person or Persons whatsoever to prosecute the Offender, and recover, any Thing in this Act before contained to the contrary notwithstanding.

Prosecution
must be within
a Year.

XI. *PROVIDED always,* that no Collector or Naval Officer whatsoever shall be impeached, or questioned, for or concerning any Offence aforesaid, unless he be prosecuted within one Year next ensuing such Offence committed.

A Table of
the Fees shall
be set up and
kept in the
Office.

XII. *AND be it further enacted, by the Authority aforesaid,* that every Collector or Naval Officer within this Colony shall be and is hereby strictly enjoined and required to set up, or cause to be set up, in his Office, a fair written Table or Copy of his Fees, according to this Act, and from Time to Time to continue the same, by setting up a new or fresh Table or Copy, as Occasion requires.

The Method
of appointing
Directors for
Landing Ballast.

XIII. *AND* whereas casting Stones, Gravel, or other Ballast, into Rivers or Creeks must prove dangerous and destructive to Navigation: For Prevention thereof, *Be it further enacted, by the Authority aforesaid,* that immediately after the Commencement of this Act the Court of every County adjacent to any navigable River or Creek within this Colony shall nominate and appoint one or more fit and able Person or Persons, residing near or convenient to the Place or Places where Ships or other Vessels usually ride in such River or Creek, to be Overseers and Directors of the Delivery, and bringing on Shore, from on Board every Ship or Vessel within their respective Districts, all Ballast whatsoever intended to be unladen or delivered; and the Clerk of such Court shall forthwith issue, and deliver to the Sheriff of his County, an attested Copy of every such Nomination and Appointment, to be by him served upon every Person and Persons so appointed, or left at his or their Place of Abode, of which the Sheriff shall make due Return, and thereupon every such Person shall appear before the

Court next thereafter held for his County, and there make Oath and swear that he will, when required, diligently attend the Delivery of Ballast from on Board any Ship or Vessel within his District, and will not knowingly permit the same, or any Part thereof, to be cast into the Water, where navigable, but will direct, and to the best of his Power cause all such Ballast to be brought and laid on Shore, according to Law, and that he will truly and faithfully execute his Office, without Favour, Partiality, or Malice: And if any Person so nominated, and having Notice thereof as aforesaid, unless hindered by Sickness, or other legal Disability, shall fail to appear before the said Court, or being there shall refuse to be sworn, he shall be fined twenty Pounds; and such Court shall, upon every such Failure or Refusal, or upon the Death, Removal, or other legal Disability, of any Person appointed and sworn as aforesaid, forthwith proceed to nominate and appoint, from Time to Time, another in his Room, who shall take the same Oath, and upon Failure or Refusal shall pay the like Fine, which every such Court respectively is hereby authorized and required to cause to be levied by the Sheriff, and shall be by him accounted for and paid to the Treasurer of this Colony for the Time being, to be applied towards the Charge of clearing Rivers and Creeks, or as the General Assembly shall think fit to direct.

A. D. 1748.
Their Oath,
and Duty.

Fine on Refusal to serve.

In Cases of Death, Refusal, &c. others to be appointed.

How the Fine shall be levied and applied.

XIV. *AND be it further enacted, by the Authority aforesaid, that every* Person so appointed and sworn, upon Notice given him by the Master of any Ship or Vessel when he intends to discharge Ballast, shall forthwith go on Board and attend till the same be delivered; which he shall see brought and laid on Shore, at such convenient Place or Places near the Vessel where it may not obstruct Navigation, nor be washed into the Channel, and thereupon shall give the Master a Certificate that the Ballast on Board his Vessel has been duly unladen and brought on Shore according to Law, and for his Attendance may demand and receive five Shillings for every Day he shall attend as aforesaid, to be paid by the Master before Certificate given; and if any such Officer shall neglect or fail to perform his Duty, as by this Act directed, he shall forfeit and pay twenty Pounds for every Neglect or Failure.

The Officer's Duty and Fee.

Penalty on Failure.

XV. *AND be it further enacted, by the Authority aforesaid, that every* Master of a ship or Vessel within this Colony, having Ballast to unlade, shall give Notice thereof in Writing to some Officer appointed in the District where the Vessel rides, pursuant to this Act, and appoint the time of such Officer's Attendance, and at the Time of his clearing out shall produce to the Officer of the Customs by whom he shall be cleared a Certificate of his having unladen and brought on Shore his Ballast as by this Act required; and if any such Master shall presume to unload any Ballast before Notice given as aforesaid, or cast or suffer the same to be cast overboard, or shall land or suffer the same to be put on Shore at any other Place, or in any other Manner, than shall be directed by the proper Officer appointed by Virtue of this Act, he shall forfeit and pay fifty Pounds for every such Offence; and if at the Time of his clearing out he shall fail to produce and deliver to the Officer of the Customs by whom he shall be cleared such Certificate as is herein before required, such Failure shall amount to a Conviction, and he shall be adjudged guilty of Breach of this Act, and liable to the said Penalty of fifty Pounds.

And on Masters of Vessels discharging Ballast contrary to this Act.

By 1. Geo. 3. (1761) Cap. 2. Persons fined for Breach of this Act may be ruled to give special Bail.

XVI. *PROVIDED always,* that nothing herein contained shall be construed to prohibit or restrain the Master of any Ship or other Vessel bringing Limestone, Chalk, Bricks, or Stone for building, to lade, or put the same on Board any other Vessel, in Order to be carried or transported to any Place he shall think fit; and the Person appointed to see Ballast unladen is hereby required to permit the same to be done, any Thing in this Act to the contrary, or seeming to the contrary, notwithstanding.

Building Materials excepted.

A. D. 1748.

Penalty on
suffering dead
Bodies to be
cast into the
Water.

How the Pe-
nalties shall
be recovered
and applied.

Repealing
Clause.

Commence-
ment of this
Act.

XVII. AND whereas the Masters of Ships or Vessels importing Negroes frequently cause such as die on Board to be cast into the Water, to the great Annoyance of the adjacent Inhabitants, *Be it therefore further enacted, by the Authority aforesaid*, that when any Negro, or other Person whatsoever, shall die on Board any Ship or Vessel within this Dominion, the Master of such Ship or Vessel shall cause the dead Body to be brought on Shore, and there buried above high Water Mark, four Feet deep at the least, upon Penalty of forfeiting for his Neglect herein, or suffering such dead Body to be cast into the Water, fifty Pounds for every such Offence. And that all Forfeitures and Penalties arising by this Act, and not before appropriated, shall be one Moiety to the King, his Heirs and Successors, to be paid to the Treasurer, and applied to the Uses last mentioned, the other Moiety to the Informer; recoverable, with Costs, by Action of Debt or Information, in any Court of Record of this Dominion.

XVIII. *AND be it further enacted, by the Authority aforesaid*, that one Act made in the fourth Year of the Reign of Queen Anne, intituled *An Act for preventing Frauds in the Customs and in clearing of Ships, for ascertaining Collectors and Naval Officers Fees, and to prohibit and prevent the casting of Ballast and dead Bodies into Rivers and Creeks*, and every other Act and Acts, Clause and Clauses, heretofore made for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.

XIX. *AND be it further enacted, by the Authority aforesaid*, that this Act shall commence and be in Force from and immediately after the tenth Day of June, which shall be in the Year of our Lord one Thousand seven Hundred and fifty one.

C H A P. XXX.

An Act to restrain the taking of excessive Usury.

His Majesty
gave his Assent
to this Act
Oct. 31, 1751.

Preamble.

I. **W**HEREAS the high Interest of Money has been found, in all Countries where it has prevailed, to impoverish the People, and a great Discouragement to Trade and Industry :

5 per Cent.
per annum de-
clared the law-
ful Interest.

All Con-
tracts for Pay-
ment of a great-
er Rate void.

Persons tak-
ing more for-
feit double the
Value of the
Sum lent.

II. *BE it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same*, that no Person or Persons whatsoever, from and after the Commencement of this Act, upon any Contract hereafter to be made, shall take, directly or indirectly, for Loan of any Monies, Wares, Merchandise, or other Commodities whatsoever, above the Value of five Pounds for the Forbearance of one Hundred Pounds for a Year, and so after that Rate for a greater or lesser Sum, or for a longer or shorter Time; and that all Bonds, Contracts, Covenants, Conveyances, Agreements, and Assurances whatsoever, hereafter to be for Payment of any Principal, or Money to be lent, or covenanted to be performed, upon or for any Usury, whereby there shall be reserved or taken above the Rate of Five Pounds in the Hundred, as aforesaid, shall be utterly void.

III. AND that all and every Person or Persons whatsoever which shall, upon any Contract to be hereafter made, take, accept, and receive, by Way or Means of any corrupt Bargain, Loan, Exchange, Shift, or Interest, of any Monies, Wares, Merchandise, or other Thing or Things whatsoever, or by any deceitful Way or Means, or by any Covin, Device, or deceitful Conveyance, for the forbearing or giving Day of Payment for one whole Year of and for their Money or other Thing, above the Sum of five Pounds for the forbearing of one Hundred Pounds for a Year, and so after that Rate for a greater or lesser Sum, or for a

longer or shorter Time, fhall forfeit and lofe, for every fuch Offence, the double Value of the Monies, Wares, Merchandifes, and other Things fo lent, bargain- ed, exchanged, or fhifted, one Moiety thereof to our Sovereign Lord the King, his Heirs and Succellours, for and towards the better Support of this Government and the contingent Charges thereof, the other Moiety to the Perfon or Perfons who fhall inform or fue for the fame, by Action of Debt or Information, in any Court of Record of this Colony, wherein the fame fhall be cognizable.

A. D. 1748.

IV. AND that all Bonds, Contracts, Covenants, * Conveyances, Agree- ments, and Affurances whatfoever, had, made, or entered into, at any Time or Times before the tenth Day of *November*, in the Year of our Lord one Thoulend feven Hundred and thirty four, and now fubfifting, whereby any Intereft above the Rate of fix in the Hundred for a Year is or was agreed to be taken or paid, and all fuch Bonds, and other Affurances whatfoever, as aforefaid, had, made, or entered into, at any Time after the faid tenth Day of *November*, and before the Time of the Commencement of this Act, and now fubfifting, whereby any In- tereft above five Pounds in the Hundred for a Year is or was agreed to be taken or paid, fhall be void and null, as to all Intereft over and above the faid feveral Rates of fix Pounds, or five Pounds in the Hundred, for a Year, as the Cafe fhall be, to be computed from the refpective Times of the firft lending, or Contract.

* Conveniences in the Roll.

In what Cafes Contracts for more than lawful Intereft fhall be void.

V. AND to the End People may not be oppreffed with the Payment of ex- orbitant Intereft, for Want of Proof of an ufurious Contract, which is always made in Secret, and with fuch Caution that it can feldom be detected in the or- dinary Courfe of Evidence, *Be it further enacted, by the Authority aforefaid*, that it fhall and may be lawful for any Borrower of Money, hereafter to be lent, to exhibit a Bill in the General Court, or any County Court of the faid Colony, againft the Lender, and to compel him to difcover, upon his corporal Oath, the principal Money actually lent, and the Contract made between them for the Pay- ment of Intereft; and in fuch Cafe, if it fhall appear that more than lawful In- tereft was referved, the Lender fhall be difcharged from all the Penalties of this Act, but he fhall lofe not only all fuch unlawful Ufury, but fhall be obliged to ac- cept the principal Money, without any Intereft.

How Perfons bound by ufu- rious Contracts may be re- lieved.

VI. AND that in all Cafes hereafter, where Judgment fhall be recovered for any Penalty not exceeding ten Pounds current Money, forfeited by Virtue of this Act, the Plaintiff fhall alfo recover his full Cofts, but no Cofts fhall be al- lowed where the Penalty fo recovered fhall exceed the faid Sum.

Where Cofts fhall be reco- vered.

VII. AND that all and every Broker and Brokers, Solicitor and Solicitors, Driver and Drivers of Bargains for Contracts, who fhall at any Time hereafter take or receive, directly or indirectly, any Sum or Sums of Money, or other Re- ward or Thing, for Brokage, foliciting or procuring the Loan, or forbearing of any Sum or Sums of Money, over and above the Rate or Value of five Shil- lings for the Loan or forbearing of one Hundred Pounds for a Year, and fo rateably, or above one Shilling for making or renewing the Bond or Bill for the Loan or Forbearance thereof, or for any counter Bond or Bill concerning the fame, fhall forfeit for every fuch Offence twenty Pounds current Money, one Moiety to the King, his Heirs and Succellours, for the better Support of this Government and the contingent Charges thereof, the other Moiety to the In- former; to be recovered, by Action of Debt or Information, in any Court of Record of this Dominion.

Rates of Bro- kerage on Loans.

VIII. *AND be it further enacted, by the Authority aforefaid*, that all and every other Act and Acts, Clause and Clauses, heretofore made for or concerning any Matter or Thing within the Purview of this Act, fhall be and are hereby repealed.

Repealing Clause.

A. D. 1748.
Commence-
ment of this
Act.

IX. *AND be it further enacted, by the Authority aforesaid, that this Act shall commence and be in Force from and immediately after the tenth Day of June, which shall be in the Year of our Lord one Thousand seven Hundred and fifty one.*

C H A P. XXXI.

An Act directing the Trial of Slaves committing capital Crimes, and for the more effectual punishing Conspiracies and Insurrections of them, and for the better Government of Negroes, Mulattoes, and Indians, bond or free. (a)

Preamble. I. **W**HEREAS it is absolutely necessary that effectual Provision should be made for the better ordering and governing of Slaves, free Negroes, Mulattoes, and *Indians*, and detecting and punishing their secret Plots and dangerous Combinations, and for the speedy Trial of such of them as commit capital Crimes:

Conspiracy of Slaves to rebel, or murder, Felony without Clergy. II. *BE it therefore enacted, by the Lieutenant Governour, Council, and Bur- gesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that if any Negro, or other Slaves, shall at any Time consult, advise, or conspire to rebel or make Insurrection, or shall plot or conspire the Murder of any Person or Persons whatsoever, every such consulting, plotting, or conspiring, shall be adjudged and deemed Felony, and the Slave or Slaves convicted thereof, in Manner herein after directed, shall suffer Death, and be utterly excluded all Benefit of Clergy.*

Or to prepare or administer Poison, or any Medicine. III. *AND* whereas many Negroes, under Pretence of practising Physick, have prepared and exhibited poisonous Medicines, by which many Persons have been murdered, and others have languished under long and tedious Indispositions, and it will be difficult to detect such pernicious and dangerous Practices if they should be permitted to exhibit any Sort of Medicine, *Be it therefore further enacted, that if any Negro or other Slave, shall prepare, exhibit, or administer, any Medicine whatsoever, he or she so offending shall be judged guilty of Felony, and suffer Death without Benefit of Clergy.*

In what Case Clergy may be allowed. IV. *PROVIDED* always, that if it shall appear to the Court, before which such Slave shall be tried, that the Medicine was not prepared, exhibited, or administered, with an ill Intent, nor attended with any bad Consequences, such Slave shall have the Benefit of Clergy.

Where Medicines may be administered. V. *PROVIDED* also, that nothing herein contained shall be construed to extend to any Slave or Slaves administering Medicines by his or her Master's or Mistress's Order, in his or her Family, or the Family of another, with the mutual Consent of the Owner of such Slave, and the Master or Mistress of such Family.

The Method of Commitment and Trial of criminal Slaves. VI. *AND be it further enacted, by the Authority aforesaid, that every Slave committing such Offence as by Law is punishable with Death, or Loss of Member, shall be forthwith committed to the common Gaol of the County wherein such Offence shall be done, there to be safely kept, and upon such Commitment the Sheriff of such County shall certify the same, with the Cause thereof, to the*

(a) This Act is amended by 5 Geo. 3. (1765) Cap. 9.

Governour or Commander in Chief of this Dominion for the Time being, who is thereupon desired and empowered to issue a Commission of *Oyer and Terminer* to such Persons as he shall think fit, which Persons, forthwith after Receipt of such Commission, are empowered and required to cause the Offender to be publickly arraigned and tried at the Courthouse of the said County, and to take for Evidence the Confession of the Offender, the Oath of one or more credible Witnesses, or such Testimony of Negroes, Mulattoes, or *Indians*, bond or free, with pregnant Circumstances, as to them shall seem convincing, without the Solemnity of a Jury; and the Offender being by them found guilty, to pass such Judgment upon such Offender as the Law directs for the like Crimes, and on such Judgment to award Execution.

A. D. 1748.

VII. *PROVIDED* always, that if at such Trial the Court be divided in Opinion whether the accused be guilty or not guilty, in that Case he, she, or they, shall be acquitted: Provided also, that when Judgment of Death shall be passed upon any such Offender there shall be ten Days at least between the Time of passing Judgment and the Day of Execution, except in Cases of Conspiracy, Infurrection, or Rebellion.

Where the Party arraigned shall be acquitted, and where after Judgment Execution shall be stayed 10 Days at least.

VIII. *AND* be it further enacted, by the Authority aforesaid, that when any Negro, Mulatto, or *Indian* whatsoever, shall be convicted of any Offence within the Benefit of Clergy, Judgment of Death shall not be given against him or her upon such Conviction, but he or she shall be burnt in the Hand by the Gaoler in open Court, and suffer such other corporal Punishment as the Court shall think fit to inflict, except where such Negro, Mulatto, or *Indian*, shall be convicted of Manslaughter, or the felonious breaking and entering any House in the Night Time, or for breaking and entering in the Day Time any House, and taking from thence away Goods or Chattels to the Value of twenty Shillings current Money, or where he or she hath once had the Benefit of this Act; and in those Cases such Negro, Mulatto, or *Indian*, shall suffer Death, without Benefit of Clergy.

Rules in allowing Clergy to Negroes, Mulattoes, or *Indians*, convicted.

IX. *AND* to the End such Negroes, Mulattoes, or *Indians*, not being Christians, as shall be produced as Evidences, on the Trial of any Slave for a capital Crime, may be under the greater Obligation to declare the Truth, *It is hereby further enacted*, that where any such Negro, Mulatto, or *Indian*, shall be found, upon due Proof made, or pregnant Circumstances appearing to any County Court of this Colony, to have given a false Testimony, every such Offender shall, without further Trial, be ordered by the said Court to have one Ear nailed to the Pillory, and there to stand for the Space of one Hour, and then the said Ear to be cut off, and thereafter the other Ear nailed in like Manner, and cut off at the Expiration of one other Hour, and moreover to receive thirty nine Lashes on his or her bare Back, well laid on, at the publick Whipping Post; and at every such Trial of Slaves for capital Offences the Person first named in the Commission, then sitting, shall, before the Examination of any Negro, Mulatto, or *Indian*, not being a Christian, charge such Evidence to declare the Truth, which Charge shall be in the Words following, to wit:

Punishment of Negro, Mulatto, or *Indian* Witnesses giving false Testimony.

YOU are brought hither as a Witness, and by the Direction of the Law I am to tell you, before you give your Evidence, that you must tell the Truth, the whole Truth, and nothing but the Truth; and that if it be found hereafter that you tell a Lie, and give false Testimony in this Matter, you must for so doing have both your Ears nailed to the Pillory, and cut off, and receive thirty nine Lashes on your bare Back, well laid on, at the common Whipping Post.

A Charge to such Witnesses.

X. *PROVIDED* always, that the Master or Owner of any Slave may appear at such Arraignment and Trial, and make what just Defence he can for such Slave, so that such Defence do not relate to any Formality in the Proceed-

Masters may appear at the Trial, in Defence of their Slaves.

A. D. 1748.

The Value of
Slaves executed
shall be paid by
the Publick.

ings on the Trial; and that when any Slave shall be convicted, by Virtue of this Act, the Commissioners sitting on the Trial shall put a Valuation in Money upon such Slave, and certify the same to the next Session of Assembly, that they may be enabled to make a suitable Allowance to the Master or Owner.

In what Cases
Negroes, Mu-
lattoes, and In-
dians, may, or
may not, be
Witnesses.

XI. AND for preventing the Mischiefs that may happen by the corrupt and precarious Evidence of Negroes, Mulattoes, and *Indians*, if they should be admitted as lawful Witnesses in Courts of Justice, *It is hereby further enacted*, that no Negro, Mulatto, or *Indian*, whether a Slave or free, shall be admitted in any Court of Record, or before any Magistrate of this Colony, to be sworn as a Witness, or give Evidence in any Cause whatsoever, except upon the Trial of a Slave for a capital Offence.

XII. *PROVIDED* nevertheless, that any free Negro, Mulatto, or *Indian*, being a Christian, shall be admitted in any Court, or before a Justice of Peace, to be sworn as a Witness, and give Evidence, against or between any other Negroes, Mulattoes, or *Indians*, Slave or free, in any Cause, civil or criminal.

No Person
shall permit
other Mens
Slaves to re-
main upon his
Plantation.

XIII. AND to prevent the Inconveniences arising by the Meetings of Slaves, *Be it further enacted, by the Authority aforesaid*, that if any Master, Mistress, or Overseer, of a Family, shall knowingly permit or suffer any Slave, not belonging to him or her, to be and remain upon his or her Plantation above four Hours at one Time, without Leave of the Owner or Overseer of such Slave, he or she so permitting shall forfeit and pay one Hundred and fifty Pounds of Tobacco for every such Offence; and every Owner or Overseer of a Plantation who shall so permit or suffer more than five Negroes or Slaves, other than his or her own, to be and remain upon his or her Plantation or Quarter at any one Time, shall forfeit and pay five Shillings, or fifty Pounds of Tobacco, for each Negro or Slave above that Number; which said several Forfeitures shall be to the Informer, and recoverable, with Costs, before any Justice of Peace of the County where such Offence shall be committed.

Proviso.

XIV. *PROVIDED* always, that nothing herein contained shall be construed to prohibit the Negroes or Slaves of one and the same Owner, though seated at different Quarters, from meeting, with their Owner's or Overseer's Leave, upon any Plantation to such Owner belonging, nor to restrain the meeting of Slaves on their Owner's or Overseer's Business at any publick Mill, so as such Meeting be not in the Night Time, nor on a *Sunday*, nor to prohibit their meeting on any other lawful Occasion, by License in Writing from their Owner or Overseer, nor their going to Church, and attending divine Service on the Lord's Day, or any other Day of publick Worship.

Punishment
of Persons pre-
sent at unlawful
Meetings of
Slaves.

XV. *AND be it further enacted, by the Authority aforesaid*, that if any white Person, free Negro, Mulatto, or *Indian*, shall at any Time be found in Company with Slaves, at any unlawful Meeting, or shall harbour or entertain any Slave without the Consent of his or her Owner, such Person, being thereof convicted before any Justice of Peace, shall forfeit and pay fifteen Shillings, or one Hundred and fifty Pounds of Tobacco, for every such Offence, to the Informer, recoverable, with Costs, before such Justice; or, on Failure of present Payment, shall receive on his or her bare Back twenty Lashes, well laid on, by Order of the Justice before whom such Conviction shall be: And every Slave present at any unlawful Meeting shall be by the Justice ordered to receive any Number of Lashes, not exceeding thirty nine.

Duty of
Justices, Sher-
iffs and Con-
stables, in sup-
pressing unlaw-
ful Meetings.

XVI. AND that every Justice of Peace within this Colony, upon his own Knowledge of such unlawful Meeting, or Information thereof to him made, within ten Days after, shall forthwith issue his Warrant to apprehend the Persons so met or assembled, and cause them to be brought before himself, or any other

Justice of his County, to be dealt with as this Act directs; and every Justice failing herein shall forfeit and pay fifty Shillings, or five Hundred Pounds of Tobacco, for every such Failure; and every Sheriff who shall fail, upon Knowledge, or Information of such Meeting, to endeavour to suppress the same, and bring the Offenders before some Justice of Peace, to receive due Punishment, shall be liable to the like Penalty of fifty Shillings, or five Hundred Pounds of Tobacco, both which Penalties shall be to the Informer, and recoverable, with Costs, by Action of Debt, in any County Court; and every Under Sheriff, or Constable, who, upon Knowledge, or Information of such Meeting, shall fail to perform his Duty in suppressing the same, and apprehending the Persons so assembled, shall forfeit and pay two Hundred Pounds of Tobacco for every such Failure, to the Informer, recoverable, with Costs, before any Justice of the County wherein such Failure shall be.

A. D. 1748.

XVII. AND that if any Slave shall presume to come and be upon the Plantation of any Person whatsoever, without Leave, in Writing, from his or her Owner or Overseer, not being sent upon lawful Business, it shall be lawful for the Owner or Overseer of such Plantation to give or order such Slave ten Lashes, on his or her bare Back, for every such Offence.

Slaves going abroad without Leave shall be whipped.

XVIII. AND be it further enacted, by the Authority aforesaid, that no Slave shall go from the Plantation or Seat of Land whereon he or she is appointed to live, without a Certificate of Leave, in Writing, from his or her Owner or Overseer, or by their express Order: And that no Negro, Mulatto, or Indian whatsoever, shall keep or carry any Gun, Powder, Shot, Club, or other Weapon whatsoever, offensive or defensive, but all and every Gun, Weapon, and Ammunition, found in the Custody or Possession of any Negro, Mulatto, or Indian, may be seized by any Person, and upon due Proof thereof, made before any Justice of Peace of the County where such Seizure shall be, shall, by his Order, be forfeited to the Seizor, for his own Use; and, moreover, every such Offender shall have and receive, by Order of such Justice, any Number of Lashes, not exceeding thirty nine, on his or her bare Back, well laid on, for every such Offence.

Arms and Ammunition in Custody of a Negro, Mulatto, or Indian, may be seized, and the Offender whipped.

XIX. PROVIDED nevertheless, that every free Negro, Mulatto, or Indian, being a Housekeeper, may be permitted to keep one Gun, Powder, and Shot; and all Negroes, Mulattoes, and Indians, bond or free, living at any Frontier Plantation, may be permitted to keep and use Guns, Powder, Shot, and Weapons, offensive or defensive, by License from a Justice of Peace of the County wherein such Plantations lie, to be obtained upon the Application of free Negroes, Mulattoes, or Indians, or of the Owners of such as are Slaves.

But free Negroes, &c. and all such as live in the Frontiers, may be licensed to keep Arms.

XX. AND be it further enacted, by the Authority aforesaid, that if any Negro, Mulatto, or Indian, bond or free, shall at any Time lift his or her Hand in Opposition to any Christian, not being a Negro, Mulatto, or Indian, he or she so offending shall for every such Offence, proved by the Oath of the Party before a Justice of Peace of the County where such Offence shall be committed, receive thirty Lashes on his or her bare Back, well laid on, by Order of such Justice.

Negro, Mulatto, or Indian, lifting his Hand against a Christian white Person, shall have 30 Lashes.

XXI. AND whereas many Times Slaves run away, and lie out hid, and lurking in Swamps, Woods, and other obscure Places, killing Hogs, and committing other Injuries to the Inhabitants of this Colony, Be it therefore further enacted, by the Authority aforesaid, that in all such Cases, upon Intelligence given of any Slaves lying out as aforesaid, any two Justices of the Peace (one being of the Quorum) of the County wherein such Slave is supposed to lurk or do Mischief, shall be and are empowered and required to issue Proclamation against all such Slaves, reciting their Names and Owners Names, if known,

Process against outlying Slaves.

A. D. 1748.

and thereby requiring them, and every of them, forthwith to surrender themselves, and also empowering the Sheriff of the said County to take such Power with him as he shall think fit and necessary for the effectual apprehending such outlying Slave or Slaves, and go in Search of them, which Proclamation shall be published on two Sabbath Days, at the Door of every Church in the said County, by the Clerk or Reader, immediately after divine Service; and in Case any Slave against whom Proclamation hath been thus issued, and twice published at any Church as aforesaid, stay out, and do not immediately return home, it shall be lawful for any Person or Persons whatsoever to kill and destroy such Slaves, by any Ways or Means, without Accusation, or Impeachment of any Crime for the same.

Slaves killed
in executing
this Act shall
be valued, and
paid for by the
Publick.

XXII. AND that if any Slave shall happen to be killed in executing such Proclamation as aforesaid, or in dispersing unlawful Assemblies, Pursuit of Rebels or Conspirators, or seizing the Arms or Ammunition of such as by this Act are prohibited to keep the same, the Court of the County where such Slave shall be so killed, upon Application of the Owner, and due Proof before them made, shall value the Slave so killed, and certify such Valuation to the next Session of Assembly, that a suitable Allowance may be made to the Owner.

Homicide of
Slaves, where
it is not wilful
or malicious,
dispunishable.

XXIII. AND that where any Slave shall happen to die by Reason of any Stroke or Blow given during his or her Correction, by his or her Owner, or by Reason of any accidental Blow whatsoever given by such Owner, no Person concerned in such Correction, or accidental Homicide, shall be liable to any Prosecution or Punishment for the same, unless upon Examination before the County Court it shall be proved, by the Oath of at least one lawful and credible Witness, that such Slave was killed wilfully, maliciously, or designedly; and no Person indicted for the Murder of a Slave, and upon Trial found guilty of Manslaughter only, shall incur any Forfeiture, or Punishment, for such Offence or Mistortune.

Incorrigible
Slaves may be
punished by
dismembering,
or otherwise,
not touching
Life.

XXIV. AND that where any Slave shall be notoriously guilty of going abroad in the Night, or running away and lying out, and cannot be reclaimed from such disorderly Courses by the common Methods of Punishment, it shall be lawful for the County Court, upon Complaint, and Proof thereof to them made, by the Owner of such Slave, to order and direct such Punishment, by dismembering, or any other Way, not touching Life, as such Court shall think fit; and if such Slave shall die by Means of such dismembering, no Forfeiture, or Punishment, shall be thereby incurred.

But the
Owner of Slaves
killed by any
other Person, or
dying through
Negligence of
his Surgeon,
may have legal
Remedy.

XXV. *PROVIDED* always, that nothing herein before contained shall be construed to bar the Action of any Person whose Slave or Slaves shall be killed by any other Person or Persons whatsoever, or shall die through the Negligence of any Surgeon, or other Person undertaking the dismembering or Cure of any Slave so punished by Order of Court, but every Owner shall and may have the same Remedy for the Death and Loss of his or her Slave or Slaves as he or she might have had if this Act had never been made.

Slaves freed
without legal
License may
be sold by the
Churchwardens.

XXVI. *AND be it further enacted, by the Authority aforesaid,* that no Negro, Mulatto, or Indian Slave, shall be set free upon any Pretence whatsoever, except for some meritorious Services, to be adjudged and allowed by the Governor and Council for the Time being, and a License thereupon first had and obtained; and if any Slave shall be otherwise set free, it shall be lawful for the Churchwardens of the Parishes wherein he or she shall reside the Space of one Month next after his or her being so freed, and they are hereby authorized and required, to take up and sell him or her as a Slave, by publick Auction, at the next Court held for that County, and to apply the Monies arising by such Sale to the Use of their Parish, towards lessening the Levy thereof.

XXVII. *AND be it further enacted, by the Authority aforefaid, that all and every other Act and Acts, Clause and Claufes, heretofore made for or concerning any Matter or Thing within the Purview of this Act, fhall be and are hereby repealed.*

A. D. 1748.
Repealing
Clause.

XXVIII. *AND be it further enacted, by the Authority aforefaid, that this Act fhall commence and be in Force from and immediately after the tenth Day of June, which fhall be in the Year of our Lord one Thoufand feven Hundred and fifty one.*

Commence-
ment of this
Act.

C H A P. XXXII.

An Act to refrain the keeping too great a Number of Horfes and Mares, and for amending the Breed.

I. **W**HEREAS the keeping too many Horfes or Mares, by Perfons who have no Freehold or Tenancy in Lands, and fuffer the fame to run at large upon the Lands of other Perfons, is not only prejudicial to the Breed of Horfes, but alfo to the Stocks of Cattle and Sheep of the Freeholders of this Colony:

Preamble.

II. *BE it therefore enacted, by the Lieutenant Governour, Council, and Burgefles, of this prefent General Affembly, and it is hereby enacted, by the Authority of the fame, that if any Perfon being an Inhabitant of this Colony, and not having a Freehold of fifty Acres of Land, or poffeffed of, and occupying, Lands or Tenements of the Value of twenty Pounds, or not being a Tenant, and occupying Lands or Tenements for which he pays five Hundred Pounds of Tobacco, or fifty Shillings current Money, or more, annual Rent, fhall prefume to keep any ftoned Horfe, or breeding Mare, or any more than one Gelding, or one fpayed Mare, it fhall be lawful for any other Perfon, being a Freeholder, or Tenant, qualified according to this Act, to take up and feize every Horfe, Mare, or Colt, kept contrary to this Act, and running at large; but the Perfon taking up the fame fhall give Notice thereof to the Owner, in Writing, within three Days after taking, and three Days at leaft before the next Court to be held for the County wherein fuch Owner lives: And if he or fhe fhall not appear at the faid Court, and make it appear that he or fhe is an Inhabitant of fome Place not within this Colony, or is a Freeholder, Occupier, or Tenant, as aforefaid, every fuch Horfe, Mare, Gelding, and Colt, fhall be forfeited to the Seizor, for his own Ufe, and he fhall have the Property thereof; and if fuch Notice be not given, three Days before the next Court after fuch taking up, the Owner fhall not be obliged to appear till the Court held next after Expiration of the faid three Days.*

Who may
not keep more
than one Geld-
ing, or fpayed
Mare.

The Forfeit-
ure, and how
to be recovered.

III. *AND that no Overfeer, not being a Freeholder in the County wherein he lives, nor any Servant whatfoever, fhall be Owner of any unfpayed Mare, or keep any Horfe, Mare, or Colt, without License, in Writing, of his Mafter or Miftrefs; neither fhall keep more than one, although fo licensed, upon Pain of forfeiting every fuch Horfe, Mare, or Colt, to any Perfon who will inform for the fame, recoverable before any Juftice of Peace of the County wherein fuch Offence fhall be committed.*

Overfeers
and Servants
may keep one
Gelding, or
fpayed Mare, if
licensed by their
Mafter.

IV. *AND for the better improving the Breed of Horfes, Be it further enacted, by the Authority aforefaid, that no Perfon whatfoever fhall keep upon any Lands, not having a fufficient Fence, any ftoned Horfe, being of the Age of two Years, or more, and not of the Height of thirteen Hands and a Half,*

Stoned
Horfes under
13 Hands and
a Half high,
two Years old,
or more, found
at large, may
be feized.

A. D. 1748.

And forfeited
to the Seizor.

each Hand containing four Inches Standard Measure, from the lowest Part of the Hoof of the fore Foot to the highest Part of the Withers, upon Pain of forfeiting every such stoned Horse found at large upon any unenclosed Grounds, or forty Shillings current Money in Lieu thereof; and it shall be lawful for any Person being a Frecholder, or Tenant qualified according to this Act, to seize any such Horse found at large as aforesaid, and bring him before a Justice of Peace of the County where so taken, and upon Oath before him made, by the Seizor, and one or more credible Witness or Witnesses, that such Horse was found and taken up running at large upon unenclosed Ground, such Justice is hereby authorized and required forthwith to cause the same to be measured, and if it shall appear that such Horse is not of the Size by this Act required, the Justice shall grant a Certificate thereof to the Seizor, and thereafter he or she shall and may have and keep such Horse, to his or her own Use, as his or her own proper Goods and Chattels.

But he must
give publick
Notice.The Owner
may redeem his
Horse, by pay-
ing 40 s. within
two Months.

V. *PROVIDED* nevertheless, that every Person who shall take up such stone Horse, and obtain Certificate thereof, shall publish Notice of the same, in Writing, affixed at the Doors of the Courthouse of the County and Church, or Churches, of the Parish wherein such taking up shall be, describing the Marks, Colour, and Brand, of the Horse, so taken up; and if within two Months after such Publication the Owner of such Horse shall pay, or tender, forty Shillings current Money to the taker up, he or she shall accept the same, and restore such Horse to his former Owner.

Repealing
Clause.

VI. *AND* be it further enacted, by the Authority aforesaid, that all and every other Act and Acts, Clause and Clauses, heretofore made for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.

Commence-
ment of this
Act.

VII. *AND* be it further enacted, that this Act shall commence and be in Force from and immediately after the tenth Day of June, which shall be in the Year of our Lord one Thousand seven Hundred and fifty one.

His Majesty
gave his Assent
to this Act
O. S. 31, 1751.

C H A P. XXXIII.

*An Act against stealing Hogs.*The Punish-
ment of Hog-
stealers, not
being Slaves.

First Offence.

I. *BE* it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that if any Person, not being a Slave, shall steal any Hog, Shoat, or Pig, he or she shall, for the first Offence, receive on his or her bare Back twenty five Lashes, well laid on, at the publick Whipping Post of the County where he or she shall be convicted, or pay down ten Pounds current Money, to the Use of the same County, towards lessening that County Levy, and shall moreover pay four Hundred Pounds of Tobacco for every such Hog, Shoat, or Pig, one Half to the Owner thereof, and the other Half to the Informer; to be recovered, with Costs, at the Suit of the Informer, by Action of Debt, in any County Court of this Dominion.

Second Of-
fence.

II. *AND* if any Person, other than a Slave, shall offend a second Time, and be thereof convicted, he or she shall stand two Hours in the Pillory, on a Court Day, at the Courthouse of the County where such Conviction shall be, and have both Ears nailed thereto, and at the End of two Hours have the Ears cut loose from the Nails, which Judgment the respective County Courts of this Dominion are hereby empowered to give, and to award Execution thereupon, saving always to the Party concerned Liberty of Appeal to the General Court, such Party

giving Bond, with good Security, in the Sum of twenty Pounds Sterling, for his or her perfonal Appearance in the faid Court, according to the Appeal, and to perform and abide their Award; and, moreover, every fuch Offender fhall pay and fatisfy four Hundred Pounds of Tobacco for every ftolen Hog, Shoat, or Pig, to the Owner and Informer, and to be recovered as aforefaid: And if there be feveral Offenders in one and the fame Fact, although but one Hog, Shoat, or Pig, be ftolen, each Perfon may be particularly profecuted, and upon Conviction fhall be adjudged to fuffer the Punifhment, and pay the whole Fine, as aforefaid.

A. D. 1748.

Where feveral Offenders in one Fact, each of them liable to the Punifhment.

III. *AND be it further enacted, by the Authority aforefaid*, that if any Servant fhall be convicted of Hogftealing, his or her Mafter, or Owner, fhall pay and fatisfy four Hundred Pounds of Tobacco, to be recovered, and divided, as aforefaid, whether it be for the firft or fecond Offence, and fhall be repaid for the fame, and Cofts of Suit, by further Service of fuch Offender, after his or her Time, due by Indenture, Contract, or former Judgment, fhall be expired, at the Rate of one Hundred and fifty Pounds of Tobacco for one Month's Service, and Judgment fhall be entered up accordingly.

How Servants fhall pay for Hogftealing.

IV. *AND be it further enacted, by the Authority aforefaid*, that when any Slave, or Slaves, fhall hereafter ftol any Hog, Shoat, or Pig, it fhall be lawful for any Juftice of Peace of the County where fuch Offence fhall be committed, upon Complaint or Information thereof to him made, to caufe fuch Offender or Offenders, and the Witnefs or Witneffes, to come before him; and if, upon Examination, any Slave or Slaves appear to be guilty, to commit him, her, or them, to Prifon, or bind every fuch Offender, with Security, to appear perfonally before the Court next thereafter to be held for his County, to anfwer fuch Complaint or Information, and to abide the Judgment of the faid Court: And the Juftices thereof are hereby required to direct the Perfon appointed to profecute for the King in the fame Court to exhibit a Charge or Complaint, in Writing, againft fuch Slave or Slaves for fuch Offence, whereupon it fhall be lawful for the faid Court to hear and determine the Matter of fuch Charge or Complaint without any Jury, and to receive as Evidence againft the Slave or Slaves fo charged the Confeflion of the Offender, the Oath of one or more credible Witneffes, or fuch Testimony of Negroes, Mulattoes, or *Indians*, bond or free, as to them fhall feem convincing; and if, in the Opinion of fuch Court, the Slave or Slaves fo charged is or are guilty, every fuch Offender fhall, for the firft Offence, receive thirty nine Lashes on his or her bare Back, well laid on, at the publick Whipping Poft, and upon a fecond Conviction fhall ftand two Hours in the Pillory, with both Ears nailed thereto, and then cut loofe, as is herein before directed. And if any Negro, Mulatto, or *Indian* (not being a Chriftian) fhall, upon due Proof made, or pregnant Circumftances appearing to any County Court, be found to have given falfe Testimony on the Trial of any Slave, for the firft or fecond Offence of Hogftealing, every fuch Offender, without further Trial, fhall be by fuch Court ordered to receive the fame corporal Punifhment as the Slave tried for Hogftealing would receive upon Conviction; and the firft Juftice in Commiffion fitting at fuch Trial fhall, before the Examination of fuch Negro, Mulatto, or *Indian*, charge fuch Evidence to fpeak the Truth, and fhall alfo inform him or her of the Confequence of giving falfe Testimony.

How Slaves fhall be profecuted, and punifhed, for Hogftealing.

Firft Offence.

Second Offence.

Punifhment of falfe Witneffes.

V. *AND be it further enacted, by the Authority aforefaid*, that if any Perfon whatfoever fhall be the third Time convicted of Hogftealing, every fuch Offender fhall be adjudged a Felon.

Third Offence of Hogftealing Felony.

VI. *AND for the more effectual Prevention of Hogftealing, It is hereby further enacted*, that if any Perfon fhall bring, or caufe to be brought, to his or her own, or any other Houfe, or on Board any Ship, Sloop, or other Veffel, any Hog, Shoat, or Pig, without Ears, or fhall receive any fuch, and not imme-

Bringing home Hog, without Ears, Hogftealing, unlefs the Party proves his Property.

A. D. 1748.

diately discover the fame to a Justice of Peace, he or ſhe ſo offending ſhall be adjudged a Hogſtealer: Provided nevertheleſs, that any Perſon may bring, or cauſe to be brought, to his or her own, or any other Houſe, or on Board any Ship, Sloop, or other Veſſel, his or her own Swine, though without Ears, he or ſhe proving the fame to be his or her Property.

Indians Hogs
ſhall have the
Mark of their
Town.

Penalty on
buying Pork
from any
Indian.

VII. AND whereas the tributary *Indians* raiſe Swine, and are ſuſpected, under Colour thereof, to ſteal and deſtroy the Hogs of the other Inhabitants, *Be it therefore further enacted, by the Authority aforeſaid*, that all *Indians* whatſoever keeping Swine ſhall give them the ſame Mark which hath been, or by the next adjacent County Court ſhall be, allowed to the Town to which ſuch *Indians* reſpectively belong; and if any Perſon, not being an *Indian*, ſhall buy or receive from any *Indian* any Pork, and cannot prove ſuch Pork to be of the proper Mark of the Town of *Indians* to which the *Indian* of whom the ſame was bought or received ſhall belong, he or ſhe ſo offending ſhall forfeit and pay one Thouſand Pounds of Tobacco, one Half to the King, his Heirs and Succeſſours, for and towards the Support of this Government and the contingent Charges thereof, the other Half to the Informer, to be recovered, with Coſts, by Action of Debt, in any Court of Record of this Dominion.

Repeal of 4.
Ann. C. 14.

VIII. *AND be it further enacted, by the Authority aforeſaid*, that one Act made in the fourth Year of Queen Anne, intituled *An Act againſt ſtealing Hogs*, be and is hereby repealed.

Commence-
ment of this
Act.

IX. *AND be it further enacted, by the Authority aforeſaid*, that this Act ſhall commence and be in Force from and immediately after the tenth Day of June, which ſhall be in the Year of our Lord one Thouſand ſeven Hundred and fifty one.

C H A P. XXXIV.

His Maſteſty
gave his Aſſent
to this Act
Oct. 31, 1751.

An Act for preventing Loſſes from Drivers paſſing with Horſes and Cattle through this Colony, and for laying a Duty on Horſes imported, and the more effectual preventing Horſeſtealing.

Preamble.

I. **W**HEREAS divers vagrant People travel through this Colony, from the northern Provinces to the ſouthern, peddling, and ſelling Horſes, and either buy or ſteal great Numbers of nett Cattle, which in their Return back they drive through the Frontier Counties, and often take away with them the Cattle of the Inhabitants of the ſaid Counties, under Pretence that they cannot ſeparate them from their own Drove, to the great Damage of the ſaid Inhabitants: For Prevention whereof,

The Duty of
Drivers of Cat-
tle paſſing
through this
Colony.

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgeſſes, of this preſent General Aſſembly, and it is hereby enacted, by the Authority of the ſame, (a)* that from and after the paſſing of this Act every Driver of nett Cattle ſhall, immediately after their coming into this Colony, go before the next Juſtice of the County and produce to him a true and perfect Manifeſt, certified under the Hand of a Magiſtrate in the Province from whence they laſt came, wherein ſhall be diſtinguiſhed the Sexes, Ages, Marks, and Colours, of all and every ſuch Cattle, and alſo at the ſame Time produce Bills of Sale for them, and particularize the Place of Abode and Name of the Seller, and make Oath that he knows of no more Cattle in his Drove than what are mentioned in the Manifeſt and

(a) See 7. Geo. 3. (1766) Cap. 19. for Preſervation of the Breed of Cattle,

Bills of Sale, which Oath the Justice shall administer, and certify on the Manifest, and shall enter in a Book, by him to be kept for that Purpose, a Copy of the said Manifest and Certificate; and if any nett Cattle shall be bought in this Colony, in Order to be driven into any neighbouring Province, the Driver shall produce his Bill of Sale to the next Justice of the County where they shall be bought, and shall make Oath that the said Bill is true, and that he knows of no more Cattle in his Drove than what are mentioned in the said Bill and Manifest, in Case there be any, which the Justice shall enter and certify in Manner aforesaid, and also shall add a Description of the Cattle so bought to the Manifest, if any; and the like Method shall be used by the Drivers, and Justices, in all the other Counties in this Colony through which they pass, upon their Arrival therein: And if any Driver shall fail herein, he, she, or they, shall forfeit and lose his, her, or their, whole Drove of Cattle. And any Justice of the Peace, upon Complaint to him thereof made, is hereby empowered to issue his Warrant to the Sheriff, or any Constable of his County, forthwith to raise sufficient Force, and to seize the Cattle, and cause the Driver or Drivers to come before him, or any other Justice of the County, who is hereby empowered to hear the Matter, and give a final Judgment therein, and to order the Cattle, if he shall judge them forfeited, to be sold by the Sheriff, in the same Manner as Goods taken in Execution; and the Sheriff shall be allowed the same Fee for the Service, and shall also be allowed for keeping and providing for the said Cattle, until they are sold, after the Rate of twopence *per* Head for every twenty four Hours, out of the Money arising from the Sale. But in Case any Person or Persons, other than the Driver or Drivers so convicted, or their Employers, shall appear before the Justice before whom the Judgment was obtained, before the Cattle are sold, and shall make his, her, or their Property in any of them appear, the Sheriff shall, by Order of such Justice, restore the same to such Owner or Owners, upon Payment of the Charge of their keeping; or if any Owner or Owners shall, within three Months after the Sale, make their Property appear, as aforesaid, the Sheriff shall pay him, her, or them, by Order of the Justice, for their Cattle, according to the Sale, after deducting a proportionable Part of the Charges. And at the Expiration of the said three Months the Money arising from the Sale shall be appropriated, one Moiety to the Churchwardens of the Parish where the Driver shall be convicted, for the Use of the Parish, and the other Moiety to him, her, or them, who did inform or prosecute, and shall be paid them by the Sheriff accordingly; and the Sheriff shall return an Account of the Sales to the Clerk's Office, to be lodged among the Records of the County.

A. D. 1748.

Penalty on Failure.

Sheriff's Fees on the Sale of Cattle sold in Pursuance of this Act.

Persons claiming Cattle seized or sold shall have Relief.

Appropriation of the Seizure.

Persons excepted out of this Act.

III. *PROVIDED* always, that nothing herein contained shall be construed to extend to any of the Inhabitants of this Colony who shall buy any nett Cattle, and be driving them Home, or to any Persons coming with their Families and Stocks to settle in this Colony.

IV. *AND* whereas the Importation of Horses is of no Advantage to this Colony, the Stock of them being already sufficient for the Inhabitants, and the Importers commonly vagrant People, who drain great Sums of Money out of this Government, and pay nothing towards the Support thereof:

Preamble.

V. *BE it further enacted, by the Authority aforesaid*, that from and after the passing of this Act there shall be levied and paid to our Sovereign Lord the King, his Heirs and Successors, for all Horses, Mares, and Colts, imported or brought into this Colony for Sale, either by Land or Water, from any Place or Port whatsoever in *America*, by the Owner or Importer thereof, ten Pounds for every such Horse, Mare, or Colt, to be appropriated to such Uses as the General Assembly shall from Time to Time direct.

Duty on Horses imported.

VI. *AND be it further enacted*, that the Governour, or Commander in Chief of this Colony for the Time being, with the Advice of the Council, shall

Collectors, and their Salary.

A. D. 1743.

and may appoint such and so many Collectors of the Duty imposed by this Act as he shall think fit, which Collector shall reside near the Frontiers of this Colony, and shall be allowed a Salary of six in the Hundred for receiving the said Duty, and shall account for the same to the Treasurer of this Colony for the Time being, in such Manner, and under such Penalty, as the Collectors of the Duty upon Liquors are obliged to account.

The Method
of Entry, and
Payment of
the Duty.

Penalty on
making false
Entry, or not
paying or se-
curing the
Duty.

On Officers
taking Bribes,
or conniving at
a false Entry.

VII. *AND be it further enacted*, that the Importers of every Horse, Mare, or Colt, liable to pay Duty by Virtue of this Act, bringing any such Horse, Mare, or Colt, into any Place or Port within this Colony, shall within six Days next after his Arrival, and before he offers the same to Sale, make a true and just Entry, upon Oath, with the next Collector of the Duty, of the Size, Colour, Mark, or Brand, of every such Horse, Mare, or Colt, and also of the Name and Place of Abode of the Owner and last Owner thereof, and shall at the same Time pay down the Duty, or give Bond to the said Collector, with one Security at the least, who shall be a known and responsible Inhabitant, or Inhabitants, of this Colony, for the Payment of the said Duty within three Months; and the Importer failing to make such Entry, pay down the Duty, or give Security, as aforesaid, or making a false Entry, shall forfeit and pay one Hundred Pounds, and every Horse, Mare, or Colt, by him imported, shall and may be seized by any Magistrate or Officer whatsoever, and shall be forfeited and sold. And if any Collector or Collectors of the Duty imposed by this Act, or any other Person or Persons deputed and appointed by or under them, or any of them, or any other Authority whatsoever, shall, directly or indirectly, take or receive any Bribe, Recompense, and Reward, in any Kind whatsoever, or shall connive at any false Entry of any Horses, Mares, or Colts, liable to a Duty or Custom by Virtue of this Act, by Means whereof the Duties or Customs shall be lost, the Person or Persons therein offending shall forfeit and pay the Sum of one Hundred Pounds, and be for ever afterwards disabled in his said Office, and rendered incapable of holding any Office or Employment relating to the Customs within this Colony and Dominion; and the Person or Persons giving or paying any such Bribe, Reward, or Recompense, shall forfeit and pay one Hundred Pounds.

Drawback
upon Expor-
tation in 3
Months.

VIII. *PROVIDED always, and be it further enacted*, that if the Importer of any Horses, Mares, or Colts, of which the Duty according to this Act shall be paid, or secured to be paid, shall, within three Months after the Importation thereof into this Colony, be willing to export the same, he shall make Oath, before the Collector with whom at their Importation they were entered, that the Horses, Mares, or Colts, to be exported, are the same that were entered, and that he hath not sold or swapped them since their Entry, and that the said Horses, Mares, or Colts, shall be exported out of this Colony within three Days, and shall not be sold or swapped therein; and then it shall be lawful for the said Collector, and he is hereby required and enjoined, to allow the said Importer the whole Duty or Customs paid for the said Horses, Mares, or Colts, so to be exported, any Thing in this Act contained to the contrary, in any Wise notwithstanding. And every Person making a false Oath in this Respect shall be liable to, and suffer, the Penalties inflicted by Law for wilful and corrupt Perjury; and, moreover, such Horses, Mares, or Colts, so to be exported, shall be forfeited, and sold.

Collectors
shall give Re-
ceipts for Du-
ties paid or
secured.

IX. *AND be it further enacted, by the Authority aforesaid*, that every Collector, upon Receipt of the Duty by this Act imposed, or taking Bond for the same, is hereby enjoined and required to give a Receipt, under his Hand, for the Money by him received, or Bond taken, expressing the Number of Horses for which the same were paid, or Bond taken, and the Time of Payment, or taking thereof, with a Description of such Horses, to the Person paying or giving the same. And every Importer, liable to the Payment of the Duty by

Virtue of this Act, fhall, if thereto required by any Officer or Magiftrate in this Colony, at any Time after the Expiration of three Days from the Time of fuch Importation, produce and fhew to the faid Officer or Magiftrate fuch Receipt; and if fuch Importer fhall fail to produce fuch Receipt, fuch Failure fhall be taken for a Conviction that the Duty for which no Receipt fhall be produced hath not been duly answered, and fuch Importer fhall be liable to the Penalties by this Act inflicted, and fuch Horfes fhall and may be feized and forfeited for not making an Entry.

A. D. 1748.

Importer not producing the Collector's Receipt liable to the Penalties of this Act.

X. *PROVIDED* always, that nothing in this Act contained fhall extend, or be conftrued to extend, to any Traveller, who fhall bring with him into this Colony fuch Horfes as are neceffary for his Journey, and fhall not fell or fwap the fame in this Colony, or to any Perfon or Perfons who fhall be actually moving their Families and Effects into this Colony to refide therein.

Travellers, and Perfons coming to settle here, exempted out of this Act.

XI. AND whereas the Crime and Offence of ftealing Horfes is of late Years more frequent, efpecially in the Frontier Counties of this Colony, to the great Detriment and Loſs of many of his Majeſty's good Subjects, occaſioned for Want of due Proſecution and Punifhment of Offenders therein, and for Want of Encouragement to fuch Perfons as fhall vigorously endeavour the apprehending of fuch Malefactors: For preventing whereof, *Be it further enacted, by the Authority aforeſaid,* that all and every Perfon and Perfons who fhall apprehend and take any Perfon guilty of the ftealing of any Horſe, and fhall proſecute him, her, or them, fo apprehended and taken, until he, ſhe, or they, be convicted thereof, fuch Apprehenders or Takers, for his, her, or their Reward, fhall have and receive the Sum of ten Pounds, within two Months after fuch Conviction, to be paid by the Treafurer of this Colony for the Time being, he, ſhe, or they, tendering to the faid Treafurer, under the Hand of the Clerk of the General Court, or Court of Oyer and Terminer, a Certificate of the Conviction of fuch Felon or Felons for the faid Offence, and in what Pariſh the fame was committed, and alſo that fuch Felon or Felons was or were taken by the Perfon or Perfons claiming the faid Reward; and in Caſe any Diſpute fhall ariſe between the Parties fo apprehending the faid Felons, touching the Right and Title to the faid Reward, that then the Judges of the General Court, or Court of Oyer and Terminer, before whom the Felon or Felons fhall be convicted, reſpectively, fhall, in and by the faid Certificate, direct and appoint the Rewards to be paid to and amongſt the Parties claiming the ſame, in fuch Shares and Proportions as to the faid Judges fhall ſeem reaſonable. And in Caſe any Perfon or Perfons fhall happen to be killed by any fuch Horſe Stealer or Horſe Stealers, endeavouring to apprehend, or making Purſuit after him or them, that then the Executors or Adminiſtrators, or fuch Perfon or Perfons to whom the Right of the Adminiſtration of the perſonal Eſtate of fuch Perfon ſo killed ſhall belong, upon Certificate delivered, under the Hands and Seals of two Juſtices of the Peace of the County where the Fact was committed, of fuch Perſon's being ſo killed (which Certificate the faid Juſtices, upon ſufficient Proof before them made, are required immediately to give) fhall receive the Sum of fifty Pounds, to be paid by the faid Treafurer.

Reward for apprehending a Horſe Stealer.

How to be obtained.

Reward of Executors, &c. of Perfons killed in Purſuit, or taking the Felon.

XII. AND whereas the Horſe Stealers in this and the neighbouring Colonies have eſtabliſhed themſelves into a Confederacy for carrying on that moſt villainous Practice, ſo that Horſes ſtolen here are uſually handed to Perfons to ſell at a great Diſtance from the Place where they were ſtolen, and at other Times Horſes are ſtolen and afterwards turned looſe, and taken up as Strays by the Perfons who ſtole fuch Horſes, in Order to ſcreen themſelves from the Penalty of the Law: For preventing which Miſchiefs for the future,

XIII. *BE it further enacted, by the Authority aforeſaid,* that no Perfon or Perfons whatſoever fhall paſs through this Colony with led Horſes, or expoſe to Sale any Horſe, Mare, or Colt, without producing a ſeparate Certificate, under

Horſes imported for Sale, or ſold without Certificate, forfeited.

A. D. 1748.

the Seal of the Colony from whence he, ſhe, or they, ſhall bring the ſame, ſetting forth the Size, Colour, Fleſh Marks, and Brand, of ſuch Horſe, Mare, or Colt, together with ſuch Perſon's Property therein, to any Perſon or Perſons demanding a Sight of the ſame. And every Importer of Horſes into this Colony for Sale ſhall, with every Horſe, Mare, or Colt, he, ſhe, or they, ſhall ſell, deliver to the Purchaſer thereof ſuch Certificate, which Certificate ſuch Purchaſer ſhall in like Manner produce to any Perſon or Perſons demanding a Sight of the ſame; and in Caſe ſuch Importer or Purchaſer ſhall fail or reſuſe to produce ſuch Certificate, when * thereto required as aforeſaid, every Horſe, Mare, or Colt, for which no ſuch Certificate ſhall be produced, ſhall be forfeited.

* Therefore
in the Roll.

Accessories
in Horſe ſteal-
ing.

XIV. AND forasmuch as Felons are much encouraged to ſteal Horſes, be-
cauſe a great Number of Perſons make a Trade to receive and buy of ſuch Fe-
lons the Horſes by them feloniously taken, and alſo do make it their Buſineſs to
conceal ſuch Offenders after the ſaid Fact, knowing ſuch Felonies to be by them
committed, *Be it therefore enacted, by the Authority aforeſaid,* that if any Perſon
or Perſons ſhall receive or buy any Horſe that ſhall be feloniously taken or ſtolen,
from any other Perſon, knowing the ſame to be ſtolen, or ſhall harbour or con-
ceal any Horſe Stealer, knowing him, her, or them, to be ſo, ſuch Perſon or
Perſons ſhall be taken and received as Accessory or Accessories to the ſaid Felony;
and being of either of the ſaid Offences legally convicted, by the Teſtimony of
one or more credible Witneſs, or Witneſſes, ſhall incur and ſuffer the Pain of
Death, as a Felon convict.

May be pro-
ſecuted, al-
though the
principal Felon
be not con-
victed.

XV. *PROVIDED* always, that if any ſuch principal Felon cannot be
taken, ſo as to be proſecuted and convicted of any ſuch Offence, yet nevertheleſs
it ſhall and may be lawful to proſecute and puniſh every ſuch Perſon and Perſons
buying or receiving any Horſes ſtolen by any ſuch principal Felon, knowing the
ſame to be ſtolen, as for a Miſdemeanor, to be puniſhed by Fine and Imprison-
ment, or other ſuch corporal Punishment as the Court ſhall think fit to inflict,
although the principal Felon be not before convict of the ſaid Felony, which
ſhall exempt the Offender from being puniſhed as accessory, if ſuch principal
Felon ſhall be afterwards taken and convicted.

XVI. *AND be it further enacted,* that the ſeveral Forfeitures which ſhall
or may ariſe by Virtue of this Act, in Reſpect of the Duty on Horſes, ſhall be
divided into two equal Parts, one Moiety whereof ſhall be to our Sovereign Lord
the King, his Heirs and Succeſſours, for and towards the better Support of this
Government and the contingent Charges thereof, and the other Moiety to him
or them that will inform and proſecute for the ſame; to be recovered, with
Coſts, by Action of Debt or Information, in any Court of Record within this
Colony, wherein no Eſſoin, Protection, Wager of Law, or more than one Im-
parlance, ſhall be allowed.

Repealing
Clause.

XVII. *AND be it further enacted, by the Authority aforeſaid,* that one
Act of Aſſembly made in the eighteenth Year of his preſent Maſteſty's Reign, in-
tituled *An Act for continuing and amending an Act for preventing Loſſes from
Drivers paſſing with Cattle through this Colony, and for laying a Duty on Horſes,*
and all and every other Acts relating to any Thing within the Purview of this Act,
ſhall be and the ſame is and are hereby repealed and made void, any Thing in
the ſaid Act or Acts contained to the contrary, in any Wiſe notwithstanding.

A. D. 1748.

C H A P. XXXV.

His Majesty
gave his Assent
to this Act
Oct. 31, 1751.*An Act for repealing several Acts of Assembly therein mentioned.*

WHEREAS the several Acts of Assembly herein after mentioned are become either useless, obsolete, or otherwise provided for, *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that the said several Acts of Assembly herein after mentioned, that is to say the following Acts continued or made in the thirteenth Year of the Reign of King Charles the Second, to wit, Chapter the fourteenth, intituled *Burial of Servants or others privately prohibited*; Chapter the sixty first, intituled *Judgment before Commissioners*; Chapter the sixty second, intituled *Persons removing into the Bay*; Chapter the sixty third, intituled *English Weights and Measures*; Chapter the sixty seventh, intituled *Orphans Lands not to be aliened*; Chapter the * seventieth, intituled *Seating upon others Dividends*; Chapter the Hundred and twelfth, intituled *Two Acres of Corn for each Tithable*; Chapter the Hundred and sixteenth, intituled *Exportation of Money*; also an Act made in the fourteenth Year of the said King's Reign, intituled *An Act against Persons that refuse to have their Children baptized*; also one other Act made in the same Year, intituled *An Act for Punishment of scandalous Persons*; also an Act made in the fifteenth Year of the same Reign, intituled *An Act concerning the Northern Indians*; also an Act made in the eighteenth Year of the said Reign, intituled *An Act commanding Law Books to be provided for each County*; also an Act made in the twentieth Year of the same Reign, intituled *An Act empowering County Courts to build Workhouses, assisted by the Vestries*; and one other Act made in the same Year, intituled *An Act concerning the Property of Tobacco*; also an Act made in the twenty fourth Year of the same King, intituled *An Act for suppressing Vagabonds, and disposing of poor Children to Trades*; also an Act made in the twenty sixth Year of the same Reign, intituled *An Act prohibiting the Justices of the several County Courts from levying Tobacco upon the People for their Accommodation and Expenses whilst they are keeping Court*; also an Act made in the thirty second Year of the same Reign, intituled *An Act reviving and reenforcing an Act made at James City the twentieth Day of October one Thousand six Hundred and sixty five, and putting the same in due Execution*; also an Act made in the thirty fourth Year of the same Reign, intituled *An Act imposing further Penalties upon any Person or Persons that shall publish or declare that the Acts of Assembly of Virginia are not in Force*; also an Act made in the thirty sixth Year of the same Reign, intituled *An Act for the better Preservation of the Peace of Virginia, and preventing unlawful and treasonable Associations*; also an Act made in the third Year of the Reign of King William and Queen Mary, intituled *An Act declaring the Duty of Tanners, Curriers, and Shoemakers*; also an Act made in the fourth Year of the Reign of Queen Anne, intituled *An Act for Encouragement of the Land Frontiers*; also one other Act made in the same Year, intituled *An Act to prevent Indians hunting or ranging upon patented Lands*; shall be, and the said several recited Acts of Assembly are hereby repealed, and made void, to all Intents and Purposes, as if the same had never been made.

The Titles of
Acts hereby
repealed.* Seventeenth
in the Roll.

C H A P. XXXVI.

An Act concerning Strays.

I. **B**E it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that every Person who shall take up any stray Horse, Mare, or nett Cattle,

Persons taking
up Strays, or
Vessels adrift,
shall advertise
the same.

A. D. 1748.

Rewards for taking up.

Penalty on Failure to advertise, or making Use of the Stray or Vessel.

The Method to be taken where no Owner appears.

And where the Value exceeds 20 s.

Printer's Fee for Advertisements.

Taker up not answerable for Death, or Loss, of the Stray.

Who may not take up, or use, any Stray, under Penalty of 20 s. or 20 Lashes.

Repealing Clause.

Commencement of this Act.

or any Sheep, Goats, or Hogs, or Boat, or other Vessel adrift, shall cause a Description of the Marks, Brand, Stature, and Colour, of such Horse, Mare, or Cattle, the Mark and Colour of such Sheep, Goat, or Hog, and the Burthen and Built of such Boat or other Vessel adrift, to be publicly affixed at the Court-house of his or her County, on two several Court Days next after taking up the same, and for a Reward of taking up shall be paid by the Owner five Shillings for every such Horse, Mare, Head of Cattle, Boat, or other Vessel, and one Shilling for every Sheep, Goat, or Hog; and every Person taking up any Stray or Vessel adrift, and failing to give such Notice, or making Use of any such Stray or Boat, or other Vessel, shall forfeit fifteen Shillings current Money, to the Informer, recoverable, with Costs, before any Justice of the County, where the Offence shall be committed, and shall moreover pay double Damages to the Owner.

II. *AND be it further enacted, by the Authority aforesaid*, that if no Owner shall appear, after Notice twice published as aforesaid, the taker up shall make Application to a Justice of his County, who is hereby empowered thereupon to issue his Warrant, directed to any three honest Housekeepers of the Neighbourhood, who having first taken an Oath, before the said Justice, shall view and appraise such Stray or Boat, or other Vessel, and then the Property thereof shall be vested in the taker up, but he shall nevertheless be answerable for the Valuation Money to the Owner at any Time afterwards, deducting the Reward for taking up; and where the Valuation exceeds twenty Shillings, the taker up shall send a Description of such Stray or Boat, or other Vessel, to the Printer, to be advertised three Times in the *Virginia Gazette*, and if no Owner shall claim the same within six Months after Appraisement the Property shall be vested in the taker up, but for the Valuation Money he shall be answerable to the Owner at any Time afterwards, deducting only five *per Centum* for taking up, and the Charge of advertising, for which the Printer may demand and take two Shillings for the first Advertisement, and one Shilling for every Advertisement thereafter, and no more.

III. *PROVIDED always*, that if after Notice published as aforesaid any Stray shall happen to die, or get away, or any Boat or Vessel taken up shall break loose or get away, before the Owner thereof shall make Claim, and prove his or her Right, the taker up shall not be answerable for the same; and if any Person, not being a Freeholder, Housekeeper, or Overseer, shall presume to take up, or make Use of any Stray or Boat, or other Vessel adrift, he or she so offending shall, for every such Offence, forfeit and pay twenty Shillings to the Informer, recoverable, with Costs, before any Justice of Peace of the County where such Offence shall be committed; and upon Failure of Payment, or giving Security for Payment within one Month after Conviction, such Offender shall, by Order of the Justice, receive twenty Lashes on his or her bare Back, well laid on.

IV. *AND be it further enacted, by the Authority aforesaid*, that one Act made in the fourth Year of Queen Anne, intituled *An Act concerning Waifs and Strays*, shall be and is hereby repealed.

V. *AND be it further enacted*, that this Act shall commence and be in Force from and immediately after the tenth Day of June, which shall be in the Year of our Lord one Thousand seven Hundred and fifty one.

A. D. 1743.

C H A P. XXXVII.

*An Act concerning the publick Prisons, and directing the Method of appointing the Keeper thereof. (a)*His Majesty
gave his Assent
to this Act
Oct. 31, 1751.

I. **B**E it enacted, by the Lieutenant Governour, Council, and Burgesſes, of this present General Aſſembly, and it is hereby enacted, by the Authority of the ſame, that the two Rooms at the eaſt End of the now publick Gaol be appropriated and kept for the receiving and ſafe keeping of Debtors committed, or to be committed, by the General Court, of which Priſon the Judges of the ſaid Court, or major Part of them, are hereby empowered to lay out and appoint Rules, and that the weſt End of the ſaid Building be appropriated and kept for the receiving and ſafe keeping of Criminals committed to the publick Gaol.

East End of
the publick Pri-
ſon to be for
Debtors, Weſt
End for Crimi-
nals.

II. **A**ND be it further enacted, by the Authority aforeſaid, that the Governour or Commander in Chief of this Dominion for the Time being ſhall be and is hereby authorized and empowered to nominate and appoint, from Time to Time, ſome fit and able Perſon to be Keeper of the ſaid publick Priſons; but the Perſon ſo appointed ſhall, within one Month after his Appointment, and in ſome Court of Record, enter into Bond, with ſufficient Security to the King, his Heirs and Succeſſours, in the Sum of five Hundred Pounds current Money, for the due Execution of his Office, which Bond ſhall be returned to the then next ſucceeding General Court, and if the Securities ſhall by the ſaid Court be judged inſufficient, and other good Security be not then tendered and given, another Perſon giving Bond and Security as aforeſaid ſhall be appointed in his Room. And if any Perſon ſhall preſume to execute the ſaid Office without giving ſuch Bond and Security he ſhall forfeit and pay twenty Pounds current Money for every Month he ſhall execute the ſame, one Moiety of which Forfeiture ſhall be to the King, his Heirs and Succeſſours, for the better Support of this Government and the contingent Charges thereof, the other Moiety to the Informer; to be recovered, with Coſts, by Action of Debt or Information, in any Court of Record of this Dominion. And that the Perſon who ſhall be Keeper at the Time of paſſing this Act ſhall, within one Month, give the like Bond and Security, and on Failure thereof ſhall be incapable to hold the ſaid Office, and liable to the Penalty aforeſaid for preſuming to execute the ſame, to be recovered and divided in Manner aforeſaid. And that every Keeper of the ſaid publick Priſons ſhall conſtantly attend and execute the Commands of the General Court, from Time to Time, and receive and take into his Cuſtody all and every Perſon and Perſons by the ſaid Court to him committed on *meſne* Proceſs, or in Execution, in any civil Cauſe or Action, or for any Contempt of the Court, and ſuch Perſon and Perſons ſhall keep in his ſafe Cuſtody, until he, ſhe, or they, be thence lawfully diſcharged, and may demand and receive of ſuch Priſoner and Priſoners the Fees and Allowances ſettled, or to be ſettled, by Law, from Time to Time; but where any ſuch Priſoner ſhall be ſo poor as not to be able to maintain and ſubſiſt him or herſelf in Priſon, there ſhall be allowed Sixpence *per* Day, and paid by the General Aſſembly, for Relief and Maintenance of ſuch poor Priſoner, and no Fee or Security whatſoever ſhall be taken or demanded of him or her, neither ſhall it be lawful for the ſaid Keeper, or any other Perſon, to detain or keep ſuch poor Priſoner in Cuſtody for his or her Priſon Fees. And that all Criminals, and other Priſoners, by legal Warrant committed to the publick Gaol, ſhall be received by the ſaid Keeper thereof, and in his Cuſtody ſafely kept, until he, ſhe, or they, be thence diſcharged by due Courſe of Law. And that the Keeper of the ſaid publick Priſons, for the Time being, ſhall, during his Continuance in Office, be exempt and free from all Muſters of the Militia, and from ſerving

Governour to
appoint a Keeper,
who is to
give Bond.Penalty for
acting without
giving Bond.Preſent Keeper
to give Security.Duty, Fees,
and Privileges,
of the Keeper.

(a) See 22. Geo. 2. (1748) Cap. 4. Sect. 30 and 31. Penalty on Juſtices failing to keep ſufficient Priſons, &c.

A. D. 1748.

on any Jury; and for his Attendance, and keeping the publick Prisons and Prisoners, shall have such Allowance as by the General Assembly shall be thought reasonable.

Repealing
Clause.

III. *AND be it further enacted, by the Authority aforesaid, that so much of one Act made in the tenth Year of Queen Anne, For building a Prison for Debtors to be committed by the General Court, and one other Act made in the eighth Year of King George the first, For making the publick Prisons in Williamsburg more convenient, and for building a House for the Keeper thereof, as is contrary to this Act, and all and every other Act and Acts, Clause and Clauses, heretofore made for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.*

C H A P. XXXVIII.

His Majesty
gave his Assent
to this Act
Oct. 31, 1751.

An Act for encouraging Adventurers in Iron Works.

Preamble.

I. **W**HEREAS the making of Iron within this Colony tends to the Increase of the Navigation and Commerce of *Great Britain*, as well as the Benefit of his Majesty's Subjects here, and therefore, by the Laws hitherto in Force, suitable Encouragements have been given, from Time to Time, to such Persons who, at their considerable Expence, have erected Furnaces and other Works for that Purpose, and it being reasonable that such Encouragements should be continued:

Convenient
Roads to and
from Iron
Works shall
be laid out, and
kept, by the
Owners.

II. *BE it therefore enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that upon Application made to any County Court by the Owner, Owners, or chief Manager, of any Iron Works within their County, such Court shall order and appoint good Roads to be laid out and made from such Works to the nearest Place upon some navigable River or Creek where the Iron made at such Works may be brought and shipped off, and for the bringing from thence Stone and other Materials for carrying on such Works, and also for the transporting or carrying Wood, Coal, or Oar, or Stone, from any Place or Places to such Furnaces, and shall also order such Causeways and Bridges as shall be necessary for Wheel Carriages to pass with the most Ease to and from such Iron Works; which Roads, Causeways, and Bridges, shall be cleared, made, and repaired, from Time to Time, by the Owners of such Iron Works for whose Benefit the same shall be appointed.*

Persons em-
ployed in Iron
Works exempt-
ed from clearing
other Roads.

III. *PROVIDED always, that all Roads heretofore or hereafter ordered by the General Court, or any County Court, for publick Use and Conveniency, shall be cleared and maintained by the respective Surveyors thereof, as publick Roads; and that all Persons whatsoever employed in and about any Iron Works now erected, or hereafter to be erected, shall be exempted from the Duties of clearing, amending, and repairing, any Highways or Bridges, except such as are or shall be laid out and made for the Use and Conveniency of such Iron Work, and from clearing Rivers and Creeks, so long as they shall continue to be so employed, and no longer.*

May take
Timber for
Bridges.

IV. *AND for the better making and repairing the Roads and Bridges to and from any Iron Works, It is further enacted, that the Overseers or Managers of such Works have Power and Authority, from Time to Time, to cut down, take, and use, so much Wood and Timber, adjoining or contiguous to the Roads already laid out, or hereafter to be appointed, for the Benefit and Convenience of their respective Works, as shall be necessary for the making and repairing conve-*

nient Bridges on the said Roads, but shall not cut down or take any Timber fit to make Clapboards, without the Consent of the Proprietor thereof first had and obtained, and shall make Satisfaction to the Proprietor of such Timber as shall exceed fifteen Inches Diameter at the But End of the Tree; and if the Value thereof cannot be agreed upon between the Manager of the Iron Work and the Proprietor of such Timber, or his or her Attorney or Agent, he or she may apply to a Justice of Peace of the County where such Timber shall be, who is hereby empowered and required to order and appoint three honest disinterested Freeholders thereof to value the same upon Oath, in current Money, without Fee or Reward, and to report such Valuation to himself, or some other Justice of the same County, and thereupon the Owner or Manager of such Iron Work shall be compellable to pay such Valuation to the Proprietor of the Timber, his or her Attorney or Agent.

A. D. 1748.

V. AND as a further Encouragement to Adventurers in Iron Works, *Be it enacted, by the Authority aforesaid*, that all Persons whatsoever which are or shall be employed in and about the building or carrying on any Iron Work already erected, or hereafter to be erected, or in cutting of Wood, making Coal, raising Oar, or any other Thing necessary for carrying on such Work, shall, during the Time of their being so employed, be exempted from serving in the Militia, at any general or private Muster, except in Case of any Invasion, Insurrection, or Rebellion.

Exempted from Musters.

VI. AND that all tithable Persons who shall be so employed in or about any Iron Work, which shall be at any Time hereafter erected, shall, for the Term of seven Years, from and after the Beginning of such Works, and Notice thereof given by the respective Owners or Managers to the Court of the County wherein such Furnace, or other Works aforesaid, are intended to be erected and carried on, be exempted and discharged from the Payment of publick Levies, but subject to the Payment of Parish and County Levies; which nevertheless, during the said Term of seven Years, after Notice given as aforesaid, shall be repaid to such Owners respectively, by an Allowance and Credit to be given them in the publick Levy, for so much Tobacco as such Parish and County Levies shall amount unto.

And Levies, for 7 Years.

PROVIDED nevertheless, that the respective Owners or Managers of such Work or Works shall, upon, or within twenty Days after, the tenth of June in every Year, give a List of all the Persons so to be employed about such Work or Works, to the Person appointed to take the List of Tithables in the Precinct where they shall respectively live or be employed, or otherwise they shall not be entitled to any Exemption or Allowance for that Year.

But must be listed as Tithables.

VII. AND that if any of the Persons so to be exempted as aforesaid shall be employed in the planting or making of Tobacco, the Owner or Owners of such Work or Works shall, for that Year, lose the Benefit of the Exemption and Allowance aforesaid, for all the Persons employed in and about such Work or Works; and, moreover, if the same shall be done with his or their Knowledge and Consent, shall forfeit five Hundred Pounds of Tobacco for every Person above the Age of sixteen Years constantly residing upon the Plantation or Plantations where such Tobacco shall be so planted or made, and if the same shall be done without his or their Knowledge or Consent, the Overseer of such Plantation or Plantations shall be liable to the same Penalty, to be recovered, with Costs, by Action of Debt, in any Court of Record of this Colony where the same shall be cognizable, * one Moiety of which Forfeitures shall be to the King, his Heirs and Successors, for the better Support of this Government and the contingent Charges thereof, the other Moiety to the Informer.

Penalty on planting Tobacco.

* Recognizable in the Roll.

A. D. 1748.

Proviso.

VIII. *PROVIDED* also, that nothing in this Act contained shall be construed to extend to such Person or Persons who shall sell Wood to the Owner or Owners, or Managers, of any Iron Work, and shall employ his, her, or their own Servants or Slaves to cut the same.

Repealing Clause.

IX. *AND* be it further enacted, by the Authority aforesaid, that all and every other Act and Acts, Clause and Clauses, heretofore made for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.

Commencement of this Act.

X. *AND* be it further enacted, that this Act shall commence and be in Force from and immediately after the tenth Day of *June*, which shall be in the Year of our Lord one Thousand seven Hundred and fifty one.

C H A P. XXXIX.

His Majesty gave his Assent to this Act Oct. 31, 1751.

An Act for encouraging the making Tar and Hemp. (a)

Preamble.

I. **W**HEREAS the making good and merchantable Tar, and Hemp, fit for Exportation, will be not only beneficial to the Inhabitants of this Colony, but also, by the Supply of such naval Stores, advantageous to the Navigation and Commerce of *Great Britain*: To the End, therefore, that the Makers thereof may have suitable Encouragement,

Premium of 2s. for every Barrel of Tar, and of 4s. for every 100 lb. Weight of Hemp, made according to Directions of this Act, to be allowed the Maker.

II. *BE* it enacted, by the Lieutenant Governour, Council, and Burgessees, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that there shall be paid to the Person and Persons who shall make, or cause to be made, good and merchantable Tar, made from green Trees, prepared after the following Manner, that is to say: That when the Trees were fit to bark the Bark thereof was stripped eight Feet, or thereabouts, up from the Root of each Tree, a Slip of the Bark about four Inches broad being left on one Side of each Tree; and that each Tree, after being so barked, had stood one Year at least, and was not before that Time cut down for the making of Tar. And to such Person and Persons who shall make, or cause to be made, within this Colony, Hemp, Winter or Water rotted, dry, bright, and clean, the several Rewards following, to wit: For every Barrel of Tar, made as before directed, two Shillings; and for every gross Hundred of Hemp, made as aforesaid, four Shillings.

Method of obtaining the Premium for Tar.

III. *AND* be it further enacted, by the Authority aforesaid, that before any Person shall be entitled to the said Reward for Tar the Maker thereof shall deliver a Note, in Writing, specifying the Mark and Number of each Barrel, to a Justice of Peace of the County where the same was made, and shall before him make Oath that the same is good and merchantable, and according to the Directions of this Act; and that each Barrel doth contain thirty two Gallons of nett Tar, and that it was made on his Land, in the said County, or at what Place, therein particularly describing the same; and that he, nor any other Person for him, hath obtained a Certificate, or received a Reward or Premium, for the same; which Oath such Justice is hereby authorized and required to administer, and to grant a Certificate of the same being before him made. And the Person intending to export such Tar shall produce such Certificate to the Naval Officer or Col-

(a) See 28 Geo. 2. (1755) Cap. 3. prohibiting Inspectors of Tar, &c. from purchasing such Commodities.
3 Geo. 3. (1762) Cap. 3. for Inspection of Tar.
7 Geo. 3. (1766) Cap. 22. Warehouses to be built for Reception of Hemp.

lector of the District wherein the same shall be brought for Exportation, and also before him make Oath that the Tar he intends to export is the same as is mentioned in such Certificate; which the said Naval Officer, or Collector, is hereby required to certify to the Governour or Commander in Chief of this Dominion for the Time being, who is hereby empowered and desired thereupon to issue his Warrant to the Treasurer of this Colony for Payment of such Sum and Sums as shall appear due by Virtue of this Act. And for obtaining the aforesaid Premium, or Reward, upon Hemp,

A. D. 1748.

IV. *BE it further enacted, by the Authority aforesaid,* that any Justice of Peace, or Constable, of any County wherein Hemp shall be made, may and shall, upon Application of the Maker or Owner thereof, truly weigh all such Hemp as to him or them shall be offered and desired to be weighed, and shall give a Certificate to the County Court of the true Quantity so weighed, and the Name of the Maker or Owner thereof, for which such Justice or Constable shall have and receive, of such Maker or Owner, five Shillings *per* Tun, and so proportionably for a greater or less Quantity, which Certificate being produced to such County Court, and Oath made before them, by the Maker or Owner, that the Hemp therein mentioned was duly weighed, and that at the Time the same was so weighed it was Winter or Water rotted, dry, bright, and clean, and made upon his or her Plantation, in such County, or on what Plantation the same was made, that he, nor any other Person for him, hath obtained a Certificate, or received a Reward or Premium for the same, the Clerk of such Court shall certify the same to the Governour or Commander in Chief of this Dominion for the Time being, who upon the Party's producing such Certificate is hereby empowered and desired to issue his Warrant to the Treasurer of this Colony for the Payment of such Sum or Sums as shall appear to be due by Virtue of this Act; and if any Person whatsoever shall take a false Oath in obtaining any Certificate, whereby to entitle him or herself to any Premium or Reward given by this Act, he or she so offending, and being thereof convicted, shall forfeit and pay four Times the Money obtained by Means of such false Oath, to the Informer; to be recovered, with Costs, by Action of Debt or Information, in any Court of Record where the same shall be cognizable, and moreover shall suffer as for wilful and corrupt Perjury.

And for Hemp.

Penalty on Persons taking a false Oath to entitle them to the Rewards.

V. *AND be it further enacted, by the Authority aforesaid,* that the Treasurer of this Colony for the Time being shall be and is hereby authorized and required, out of any publick Monies in his Hands, to pay unto the Party or Parties entitled thereto such Sum and Sums of Money as shall be to them ordered, by Warrant from the said Governour or Commander in Chief to him directed, for the Bounties aforesaid, from Time to Time, in Pursuance of this Act, to be allowed to the said Treasurer upon passing of his Accounts in the General Assembly.

Premium to be paid by the Treasurer, and allowed in his Accounts.

VI. *PROVIDED always,* that the Rewards for Tar shall not exceed twelve Hundred Pounds, and the Rewards for Hemp not exceed four Thousand Pounds.

Sums appropriated for the Rewards.

VII. *AND be it further enacted, by the Authority aforesaid,* that all and every other Act and Acts, Clause and Clauses, heretofore made for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.

Repealing Clause.

A. D. 1748.

His Majesty
gave his Assent
to this Act
Oct. 31, 1751.

C H A P. XL.

An Act for giving a Reward for killing Wolves. (a)

50 lb. nett
Tobacco al-
lowed for kil-
ling a young
Wolf, and
100 lb. for
others; to be
paid by the
County, and
repaid by the
Publick.

I. **F**OR encouraging all Persons to kill and destroy Wolves, *Be it enacted, by the Lieutenant Governour, Council, and Burgeffes, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that every Person who shall kill or destroy any Wolf within this Colony shall have a Reward of fifty Pounds of nett Tobacco for every young Wolf not exceeding the Age of six Months, to be adjudged by the Justice before whom the Head shall be brought, and for every Wolf above that Age one Hundred Pounds of nett Tobacco, to be levied and paid in the County where the same shall be killed, and repaid to such County in the next publick Levy; and the several County Courts of this Colony are hereby empowered and required to levy and pay the same, in their annual County Levy, to the Party and Parties entitled thereto, upon Certificates obtained in the Manner by this Act required.

Wolf Killer
shall produce
the Head, and
be sworn or
affirmed.

II. **A**ND for preventing Frauds, *Be it further enacted, by the Authority aforesaid,* that every Person claiming such Reward shall produce the whole Head of every Wolf to a Justice of Peace of the County wherein the same was killed or destroyed, and shall then also, before the same Justice, make Oath (or, being a Quaker, solemnly affirm and declare) to the Effect following, that is to say:

I A. B. do swear that this Head by me now produced is the Head of a Wolf (or, that these Heads by me now produced are the Heads of Wolves) first taken and killed within the County of C. in Virginia; and that I have not, wittingly or willingly, spared the Life of any Bitch Wolf in my Power to kill.

So help me God.

Other Evi-
dence to be ad-
mitted if the
Killer is under
14 Years of
Age, or an In-
dian, Negro, or
Mulatto.

Justice to
grant a Certi-
ficate.

Penalty for
taking a false
Oath, or Affir-
mation.

And if such Wolf Killer be a Christian under the Age of fourteen Years, or a tributary Indian, Mulatto, or Negro, then, instead of such Oath or Affirmation, such Justice shall and may admit such other Evidence, Testimony, or Circumstance, as in his Discretion shall seem convincing; and every Justice of Peace before whom such Head or Heads shall be brought is hereby empowered and required to administer such Oath or Affirmation, or take such other Proof and Testimony, as the Case shall be, and thereupon to grant the Wolf Killer a Certificate, reciting his or her Name, the Number of Heads produced, either of old Wolves, or of such as in his Judgment appear not to exceed the Age of six Months, the Time and Place when and where the same was or were killed, and that Oath or Affirmation, or other sufficient Proof thereof, hath been before him made, which being produced to the Court laying the County Levy shall entitle the Party and Parties therein named to the Reward aforesaid, but no Claim or Demand for the same shall be received or allowed without such Certificate. And if any Person whatsoever shall take a false Oath, or Affirmation, before any Justice, in Order to obtain such Certificate, he or she being thereof convicted shall suffer as for wilful and corrupt Perjury in a Court of Record, and moreover shall forfeit and pay one Thousand Pounds of Tobacco for every such Offence, one Moiety to the King, his Heirs and Successours, for the better Support of this Government and contingent Charges thereof, and the other Moiety to the Informer; to be recovered, with Costs, by Action of Debt or Information, in any County Court.

(a) See 4 Geo. 3. (1764) Cap. 2. Certain County Courts to levy Rewards for killing Wolves at 12s. 6d.

5 Geo. 3. (1765) Cap. 11. Rewards increased in several Counties.

7 Geo. 3. (1766) Cap. 12. Preceding Act continued, except as to the Counties of Fauquier, Buckingham, and Loudoun.

A. D. 1748.

Proviso.

III. *PROVIDED* always, that every Justice of Peace shall cause the Ears of all Wolves Heads brought before him to be cut off in his Presence, and shall not grant Certificate for any Scalp; and if any Justice shall suspect the Truth of any Oath or Affirmation before him made, he may delay granting Certificate till his next County Court, by whom the Causes of his Suspicion shall be heard and adjudged, in Presence of the suspected Person, if he shall think fit to appear and make his Defence, and according to the Judgment of the Court such Justice shall grant or refuse his Certificate.

IV. *AND* be it further enacted, by the Authority aforesaid, that the Clerks of the several County Courts shall return to every Session of Assembly a true List of the Names of every Person to whom any Reward for Wolves Heads has been allowed in their County Levy, and the Names of the Justices granting Certificates for the same, to the End such County may be repaid in the next publick Levy.

Clerks to return a List to the Assembly.

V. *AND* be it further enacted, that all and every other Act and Acts, Clause and Clauses, heretofore made for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.

Former Acts repealed.

C H A P. XLI.

An Act for confirming the Grants made by his Majesty within the Bounds of the Northern Neck, as they are now established. (a)

I. **W**HEREAS in the late Dispute and Controversy touching the Limits and Boundaries of the several Letters Patent granted by their late Majesties King *Charles* the Second and King *James* the Second, unto the Ancestors of the Right Honourable *Thomas* Lord *Fairfax*, it hath been adjudged and determined by his present Majesty, in Council, that the said Letters Patent do include all that Tract or Territory of Land between the Rivers *Patowmack* and *Rappahanock*, and the Line now marked from the Head Spring of the said River *Patowmack* to the Head Spring of *Rappahanock*, commonly called the *Conway*, in which said Tract or Territory of Land, as is before described, many Adventurers and Planters have taken up great Quantities of Land, and obtained Grants and Patents thereof from the Crown, under Seal of this Colony; and whereas the said *Thomas* Lord *Fairfax* hath consented, before the King, in Council, that the several Grants and Patents, made by the Crown, of the Lands included in the Boundary aforesaid, should be confirmed to the several Grantees, their Heirs and Assigns, to be held nevertheless of the said Lord *Fairfax*, under the like Rents, Services, Profits, and Emoluments, as should be paid, done, and arise, by and from the said Grants made by the Crown:

Preamble.

II. *BE* it therefore enacted, by the Lieutenant Governour, Council, and Burgessees, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that all Grants and Patents whatsoever under the Seal of this Colony, for Lands situate and lying within the Limits and Boundaries of the Letters Patent granted to the Ancestors of the said Lord *Fairfax*, as the same are now settled and determined, heretofore made and granted by the Crown, shall be held, deemed, and taken, to be valid and effectual; and the Adventurers and Planters to whom the same were granted, their Heirs and Assigns, shall for ever hereafter peaceably and quietly have, hold, and enjoy, the said granted Premises, respectively, according to such granted Estates, under the Rents and Services in the said Grants reserved, to be paid and performed to the said *Thomas* Lord *Fairfax*,

Grants from the Crown of Lands in the Northern Neck confirmed, but the Rents and Services shall be to the Lord *Fairfax*, and his Heirs.

(a) See 10 Geo. 2. (1736) Cap. 3.

A. D. 1748.

his Heirs and Assigns, for ever, any Mis-recital or Defect in the said Grants notwithstanding.

C H A P. XLII.

An Act to empower the Trustees of Leeds Town to make a Causeway through the Marsh opposite thereto, and for appointing a publick Ferry. (a)

I. **W**HEREAS the Passage from Joseph Morton's Lot, in Leeds Town, to the Land of Sarah Brookes, in Essex County, is long and dangerous; and whereas the making of a Road and Causeway through the Marsh opposite to the said Town of Leeds will render the Passage of Travellers short and safe, and be very beneficial to the Publick, besides promoting the Commerce of the said Town: Therefore,

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that the Trustees of the said Town of Leeds, or any four or more of them, be empowered and authorized, and they are hereby empowered and authorized, to agree with any Person or Persons to clear, dig up, extend, maintain, and improve, a Causeway from the River opposite to the said Town of Leeds, through the said Marsh, to the high Land of the said Sarah Brookes, in Essex County, near the Ferry Landing, and from Time to Time to widen, repair, and improve the same; and also, if necessary, to erect and build Bridges over any Gut or Creek in the said Marsh. And upon completing the said Causeway, *It is further enacted, by the Authority aforesaid,* that a publick Ferry be established from the publick Landing of the said Town to the said Causeway; and that the said Trustees, and their Successours, or any four or more of them, have Power, and they are hereby authorized, from Time to Time, to let the said Ferry to any Person or Persons that will undertake, out of the Profits thereof, to keep the said Causeway in good and sufficient Repair.

III. *AND be it further enacted, by the Authority aforesaid,* that the County Court of Essex, upon Application made to them by the Undertaker of the said Causeway, shall order and appoint three honest Freeholders convenient thereto to go upon and value one Acre of high Land adjoining to the Place the said Causeway shall begin; and the said Trustees, upon paying such Valuation to the Proprietor thereof, may, from Time to Time, make Use of the said Acre of Land, for raising and repairing the said Causeway, and for no other Use or Purpose whatsoever.

IV. *AND* whereas the said Trustees, out of the Sale of the Lots of the said Town, have paid off the respective Proprietors of the Land, and have yet remaining in their Hands the Sum of eighty Pounds current Money, besides a considerable Number of Lots undisposed of: *Be it further enacted,* that as well the said Sum of eighty Pounds, as likewise what other Money may be raised by further Sale of Lots, during the Time the said Causeway shall be making, may be by the said Trustees, or any four or more of them, appropriated to that Use; and that the Rates for passing the said Ferry be for a Man fourpence, for a Horse the same; for every Coach, Chariot, or Waggon, and the Driver thereof, the same as for the Ferriage of six Horses; and for every Cart or four Wheel Chaise, and the Driver thereof, the same as for the Ferriage of four Horses; and for every two Wheel Chaise, or Chair, the same as for the Ferriage of two Horses; according

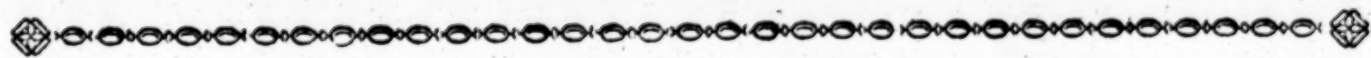
(a) See 3 Geo. 3. (1767) Cap. 7.

to the Rates herein before fettled, and no more. And that the Keeper thereof have fuch Exemptions and Advantages, and be under the like Regulations and Restrictions, as is and are by Law provided for and in Refpect of the Keepers of other publick Ferries.

A. D. 1748.

V. *AND* be it further enacted, by the Authority aforefaid, that the Proprietor or Proprietors of the Marsh and Land through which the Causeway and Road leads, if they think neceffary, fhall and may erect one or more Gates thereon.

Signed by Sir WILLIAM GOOCH, Bart. Governour.
JOHN ROBINSON, Jun. Speaker.



At a GENERAL ASSEMBLY begun and held at the COLLEGE, in *Williamsburg*, on *Thursday* the twenty feventh Day of *February*, in the twenty fifth Year of the Reign of our Sovereign Lord GEORGE II. by the Grace of GOD of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord 1752.

A. D. 1752.

ROBERT
DINWIDDIE,
Esq; Governour.

CHAP. I.

An Act for reviving the Duty upon Slaves to be paid by the Buyer, for the Term therein mentioned. (a)

I. **W**HEREAS by an Act of Assembly, made in the fifth and sixth Years of the Reign of his present Majesty, intituled *An Act for laying a Duty upon Slaves, to be paid by the Buyers*, it was among other Things enacted that from and after the passing thereof, for and during the Term of four Years, there should be levied, and paid to our Sovereign Lord the King, his Heirs and Successours, for all Slaves imported or brought into this Colony and Dominion for Sale, either by Land or Water, from any Port or Place whatsoever, by the Buyer or Purchaser, after the Rate of five Pounds *per Cent.* on the Amount of each respective Purchase, with divers Provisions and Directions in the said Act contained, for managing, collecting, paying, and applying the said Duty, which was continued, with Alterations and Amendments, by several subsequent Acts, all which expired the last Day of *July* one Thousand seven Hundred and fifty one; and whereas the publick Debts contracted for his Majesty's Service during the late War with *France*, and also for rebuilding the Capitol, are yet unpaid, and cannot be discharged without the Aid of the Duty laid by the aforefaid Act, which hath by Experience been found easy to the People here, and no Ways burthensome to the Traders in Slaves:

Preamble,

(a) By 27 Geo. 2. (1754) Cap. 1. an additional Duty of 5 per Cent. is laid on Slaves.

By 33 Geo. 2. (1759) Cap. 1. a Duty laid on Slaves brought from *Maryland, Carolina, and the West Indies*.

A. D. 1752.

Duty of 5 per
Cent. revived
on Slaves im-
ported.

II. *BE it therefore enacted, by the Lieutenant Governour, Council, and Bur-
geffes, of this present General Assembly, and it is hereby enacted, by the Authority
of the same, that from and after the passing hereof, for and during the Space of
four Years, (a) the said Duty of five Pounds per Cent. on the Amount of each
respective Purchase of any Slave or Slaves imported or brought into this Colony
and Dominion for Sale, either by Land or Water, from any Port or Place what-
soever, shall be revived, become payable, and paid, in such Manner, and with
such Allowances, as herein after directed.*

Importer shall
deliver to the
Treasurer an
Account of
Sale, with the
Names of the
Buyers and
Prices;

whether for
Currency or
Sterling.

Duty to be
paid by the
Buyer.

III. *AND for the better levying, collecting, recovering, and securing, the
Duty hereby revived, and which shall become due and payable within the Time
aforesaid, Be it further enacted, by the Authority aforesaid, that every Importer
or Seller of any Slave or Slaves imported into this Colony, either by Land or
Water, for Sale, shall, within thirty Days after finishing the Sale of such
Slave or Slaves, deliver, or cause to be delivered, to the Treasurer of Virginia
for the Time being, upon Oath, a true Manifest or Account of all the Slaves by
him sold, the Name and Place of Abode of every Buyer, the respective Prices
for which the same were sold, and whether for Sterling or current Money; and
if sold for Tobacco, or any other Commodity, the Seller shall set a Value, in
current Money, upon the Slave or Slaves so sold, and the Buyer shall be charge-
able with, and pay the said Duty, according to such Valuation.*

If Sterling,
the Duty to
be paid at 25
per Cent.

Buyer, not
an Inhabitant,
to pay the Duty
to the Seller.

Penalty on
Importer for
neglecting to
account with
the Treasurer.

IV. *AND where the Contract shall be for Sterling, the Buyer shall pay
for the Difference of Money after the Rate of twenty five per Cent. upon the
Sterling; and the Importer or Seller shall, in the same Manifest, render an
Account of all the Slaves imported in the same Ship or Vessel, and sold, be-
longing to the Master, or any Officer on Board, commonly called privileged
Slaves. And if any Buyer shall not be an Inhabitant of this Colony, such Buyer
shall pay down the Duty to the Seller, who is hereby empowered and required
to demand, receive, and account for the same, to the Treasurer aforesaid, de-
ducting six per Cent. for his Trouble. And every Importer or Seller of Slaves
as aforesaid neglecting or refusing to deliver such Manifest, within the Time
by this Act required, or failing to pay the Duties by him received, or concealing
any Part thereof, shall forfeit and pay one Thousand Pounds current Money;
recoverable, with Costs, by the Treasurer of Virginia for the Time being, by
Action of Debt, in any Court of Record of this Dominion, and by him to be
applied to the same Uses, Intents, and Purposes, as the said Duty is directed to
be applied.*

Treasurer to
deliver the
Name of the
Buyers, and the
several Sums
due, to the
Sheriffs, who
are to collect,

and account
with the Trea-
surer before the
25th of April,
annually.

V. *AND be it further enacted, by the Authority aforesaid, that the Trea-
surer, as soon as conveniently may be after the Receipt of such Manifest or Ac-
count of Sale, shall transmit to the Sheriff of every County wherein the Buyers
respectively reside Lists of the Names of such Buyers, and the Sum due from
each of them for the Duty aforesaid; and every Sheriff is hereby required to re-
ceive such List or Lists to him directed, and to demand, collect, and receive, of
every Person therein named, residing within his County, the Sum or Sums therein
specified to be due from each Person respectively, and in Case of Non-Payment
to levy the same by Distress, in like Manner as he is by Law directed to distrain
for Levies and other publick Debts. And every such Sheriff shall, on or before the
twenty fifth Day of April, in every Year, account with, and pay to the said
Treasurer, the several Sums by him received upon such Lists, deducting only
six per Cent. for his Trouble in collecting and paying the same; and if any
Sheriff shall neglect or refuse to account and pay as aforesaid for the whole
Amount of the Lists to him transmitted, after the Deduction aforesaid is made,
and an Allowance for Persons not dwelling, nor having any Effects, in his*

(a) Continued by 7 Geo. 3. (1766) Cap. 3. for three Years, from 20th April 1767.

County, it shall be lawful for the said Treasurer, upon Motion made in the General Court, or in the Court of the County of such Sheriff, to demand Judgment against him for all the Monies due by the Lists transmitted to him to collect, and such Court is hereby authorized and required to give Judgment accordingly, provided that the Sheriff have ten Days previous Notice of such Motion.

A. D. 1752.
Penalty.

VI. *PROVIDED* always, that if any Person chargeable with the Duty aforesaid shall pay the same in Money of his or her own Importation into this Colony, according to the Directions of an Act of Assembly made in the (a) nineteenth Year of the Reign of his present Majesty, intituled *An Act for reducing the Laws made for laying a Duty on Liquors into one Act of Assembly*, such Person shall have an Abatement or Allowance of fifteen *per Cent.* out of the Duty so paid, and the Sheriff is hereby required to allow the same accordingly, and to endorse the Sum upon which such Allowance shall be made, upon the Certificate of Importation of the Money.

Provided

VII. *PROVIDED* also, that if any Slave or Slaves shall die within forty Days after Purchase, the Buyer may make Oath thereof before any Justice of the Peace, and obtain his Certificate, which being produced, and delivered to the Sheriff, he is hereby authorized and required to allow and discharge such Buyer of so much of the said Duty as he shall stand charged with for such Slave or Slaves; but all such Certificates of Slaves dying within forty Days shall be by the Sheriff returned to the Treasurer at the Time of passing the Sheriff's Accounts. And that where any Person inhabiting within this Colony shall really and *bona fide* purchase any Slave or Slaves for his own proper Use, and not in Trust or for the Use of any other Person not being an Inhabitant of this Dominion, for which the Duty shall have been paid, or due, according to this Act, and such Person shall, within twelve Months after such Purchase, be desirous to export the same, such Exporter shall give a particular Account of the Number of Slaves he intends to export to the Naval Officer of the District from whence they shall be exported, and shall subscribe such Account, and declare, upon Oath, "that he is the true " and lawful Owner of the Slaves he desires to export, without any Trust for " any other Person or Persons not residing within this Colony, and that the " said Slaves shall be directly carried out of this Dominion, and not into the " Province of *North Carolina*, upon his own Account and Risk, and shall not " be sold or brought back again into this Colony without Payment of the " Duty required by this Act;" which Oath every Naval Officer of this Dominion respectively is hereby empowered and required to administer, and thereupon shall give a Certificate thereof to the Exporter, who upon producing and delivering the same to the Sheriff, in Case the Duty due upon Importation shall not have been before paid or satisfied, shall be allowed to draw back of the said Duty so much as he shall stand charged with for the Slave or Slaves so exported; and if the said Duty has been paid to, and accounted for by, the Sheriff, then, upon producing the Naval Officer's Certificate to the Treasurer, the same shall be by him repaid.

No Duty to be paid if Slaves die within 40 Days after Purchase,

or are exported,

Duty of Naval Officer.

VIII. *AND* be it further enacted, by the Authority aforesaid, that the Monies arising by Virtue of this Act shall be appropriated and applied for and towards discharging the publick Debts contracted during the late War with *France*, and to such other publick Use and Uses as the General Assembly, from Time to Time, shall think fit to direct.

Monies how to be appropriated.

IX. *BUT* whereas it may oftentimes be a great Ease to the Buyers of Slaves if they are allowed to pay the Duty to the Seller, *Be it enacted, by the Authority aforesaid*, that if the Buyer shall be willing to pay the Duty of

The Seller may receive the Duty before rendering an Account.

A. D. 1752.

And account
with the Treas-
urer.

any Slave or Slaves by him purchased to the Seller, before the Time herein before limited for the said Seller to return to the Treasurer a Manifest or Account of the Slaves by him sold, it shall and may be lawful for the said Seller, and he is hereby empowered and required, to receive the same, any Thing herein before contained to the contrary, or seeming to the contrary, notwithstanding; and the Seller shall account for and pay to the said Treasurer the Duty by him so received, in the same Manner, with the like Allowance, and under the like Penalty for Non-Payment, as herein before is directed, allowed, and inflicted.

C H A P. II.

An Act declaring the Process and Proceedings of the General Court, between the Commencement and repealing of the Act intituled An Act for establishing the General Court, and for regulating and settling the Proceedings therein, to be good and valid.

I. **W**HEREAS the Act of the General Assembly made in the twenty second Year of the Reign of his present Majesty, intituled *An Act for establishing the General Court, and for regulating and settling the Proceedings therein*, hath been lately repealed by his Majesty, whereby the Act made in the fourth Year of the Reign of her late Majesty Queen Anne, *For establishing the General Court, and for regulating and settling the Proceedings therein*, and several other Acts relating to the said Court, are revived, and it is highly necessary and expedient to confirm all the Process and Proceedings which have issued or been had under the said repealed Act, between the Commencement thereof and the Proclamation for repealing the same:

II. *BE it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that all Writs and other Process at the common Law, or in Chancery, and all Suits, Appeals, and Proceedings whatsoever, issued, granted, or prosecuted, at any Time between the Commencement of the said first mentioned Act and the Date of the Proclamation for repealing the same, now returned, or returnable, determined, or depending, in the said General Court, be confirmed, and the same are hereby declared to be in full Force, and as good and valid, to all Intents and Purposes, as if the said first mentioned Act had not been repealed, any Law, Usage, or Custom, to the contrary notwithstanding.*

C H A P. III.

An Act for declaring the Process and Proceedings of the County Courts of Lunenburg, Brunswick, Fairfax, Frederick, Albemarle, and Augusta, between the Commencement and Expiration, or Suspension, of the Act intituled An Act for altering the Method of holding Courts in the Counties of Brunswick, Fairfax, Lunenburg, Frederick, Albemarle, and Augusta, to be good and valid.

I. **W**HEREAS the Act of the General Assembly made in the twenty second Year of the Reign of his present Majesty, intituled *An Act for altering the Method of holding Courts in the Counties of Brunswick, Fairfax, Lunenburg, Frederick, Albemarle, and Augusta*, will expire at the End of this Session of Assembly, and whereas it is doubted whether since his Majesty's Assent to the Act made in the twenty second Year of his Reign, intituled

An Act for establishing County Courts, and for regulating and settling the Proceedings therein, the same can be revived and continued, and it is highly necessary and expedient to confirm all the Procefs and Proceedings which have issued out, or been had, under the same Act:

A. D. 1752.

II. *BE it therefore enacted, by the Lieutenant Governour, Council, and Burgesſes, of this preſent General Aſſembly, and it is hereby enacted, by the Authority of the ſame, that all Writs and other Proceſs at common Law, or in Chancery, and all Suits and Proceedings whatſoever, iſſued, granted, or proſecuted, at any Time between the Commencement of the ſaid firſt mentioned Act and the paſſing of this Act, now returned, or returnable, determined, or depending, in any of the ſaid Courts, be confirmed, and the ſame are hereby declared to be in full Force, and as good and valid, to all Intents and Purpoſes, as if the ſaid firſt mentioned Act had not been ſuſpended or expired, any Law, Uſage, or Cuſtom, to the contrary notwithstanding.*

III. *AND be it further enacted, by the Authority aforeſaid, that all Cauſes now depending and undetermined, in any of the ſaid Courts, ſhall be tranſpoſed and carried out of the Rule Dockets for each of the ſaid Courts, into the Court Dockets thereof, in the ſame Order as they now ſtand in the Rule Dockets, in the ſaid ſeveral Courts reſpectively, and ſhall be proceeded in according to the Method uſed in the monthly Courts.*

C H A P. IV.

An Act for preventing the Importation of Madeira Wines in Caſks under the true Gauge.

I. **W**HEREAS a fraudulent Practice hath been lately introduced of importing Wines to this Colony from the Iſland of *Madeira* in Caſks containing leſs than the true Gauge: For Remedy whereof,

Preamble.

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgeſſes, of this preſent General Aſſembly, and it is hereby enacted, by the Authority of the ſame, that all Pipes, Hogſheads, and Quarter Caſks, of Madeira Wine, which ſhall be imported to this Colony after the firſt Day of April, which ſhall be in the Year of our Lord one Thouſand ſeven Hundred and fifty three, ſhall contain the ſeveral Quantities following, that is to ſay: Every Pipe one Hundred and twenty Gallons, every Hogſhead fixty Gallons, and every Quarter Caſk thirty Gallons, at the leaſt.*

The Quantity Pipes, Hogs, and Quarter Caſks, are to contain.

III. *AND be it further enacted, by the Authority aforeſaid, that if any Perſon or Perſons, after the Time aforeſaid, ſhall ſell any Madeira Wines, in any Pipes, Hogſheads, or Quarter Caſks, containing leſs than the Quantities before mentioned reſpectively, every Perſon ſo offending ſhall forfeit and pay to the Perſon or Perſons buying the ſame, for every Gallon under the Gauges aforeſaid, the Sum of twenty Shillings; to be recovered, with Coſts, by Action of Debt, in any Court of Record in this Dominion, where ſuch Penalty ſhall exceed twenty five Shillings current Money, otherwiſe before a Juſtice of Peace.*

Penalty on thoſe who ſell any under the true Gauge.

A. D. 1752.

C H A P. V.

An Act to oblige the Prosecutors of Offences not capital to pay the Costs of the Prosecution, where the Defendant shall be acquitted. (a)

Preamble.

I. **W**HEREAS divers litigious Persons have procured Indictments to be preferred against others of his Majesty's Subjects for Assaults and Batteries, and other Offences not capital, and caused Witnesses to be summoned to appear before the Grand Jury, and at the Trials, who attend at a great Expence, but if the Grand Jury do not find the Bills, or the Defendants are acquitted by the Petit Jury, such Witnesses go unpaid, and the Persons accused are put to great Trouble and Expence, without any Redress: For Remedy whereof,

When Prosecutors are to pay Costs.

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgesſes, of this preſent General Aſſembly, and it is hereby enacted, by the Authority of the ſame,* that when any Indictment ſhall be preferred to the Grand Jury in the General Court, for any Matter or Cauſe whatſoever not touching Life or Member, his Majesty's Attorney General, or the Attorney prosecuting for the King, ſhall at the Foot of the Indictment ſet down the Name or Names of the Proſecutor or Proſecutors, and the Place of his or their Abode; and if the Grand Jury ſhall not find the Bill, or the Perſon or Perſons indicted ſhall be acquitted by the Petit Jury, or Judgment ſhall be given for him or them, ſuch Proſecutor or Proſecutors ſhall be liable for all Coſts and Charges occaſioned by ſuch Indictment, and Judgment ſhall be entered againſt him or them accordingly, and the Clerk of the ſaid Court ſhall tax the lawful Fees and Allowances to Witneſſes againſt him or them, as in civil Cauſes, and Executions ſhall iſſue in the ſame Manner, any Law, Cuſtom, or Uſage, to the contrary notwithstanding.

C H A P. VI.

An Act to prevent malicious maiming and wounding.

Preamble.

I. **W**HEREAS many miſchievous and ill diſpoſed Perſons have of late, in a malicious and barbarous Manner, maimed, wounded, and deſaced, many of his Majesty's Subjects: For the Prevention of which inhuman Practices,

What maiming is.

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgeſſes, of this preſent General Aſſembly, and it is hereby enacted, by the Authority of the ſame,* that if any Perſon or Perſons, from and after the firſt Day of June, which ſhall be in the Year of our Lord one Thouſand ſeven Hundred and fifty three, on Purpoſe, ſhall unlawfully cut out or diſable the Tongue, put out an Eye, ſlit the Noſe, bite or cut off a Noſe or Lip, or cut off or diſable any Limb or Member, of any Subject of his Majesty, in ſo doing to maim or diſfigure, in any of the Manners before mentioned, ſuch his Majesty's Subject, that then, and in every ſuch Caſe, the Perſon or Perſons ſo offending, their Counſellors, Aiders, and Abettors, knowing of and privy to the Offence as aforeſaid, ſhall be and are hereby declared to be Felons, and ſhall ſuffer as in Caſe of Felony.

Penalty.

Proviſo.

III. *PROVIDED,* that no Attainder of ſuch Felony ſhall extend to corrupt the Blood, or forfeit the Dower of the Wife, or the Lands, Goods, or Chattels, of the Offender.

(a) By 7 Geo. 3. (1766) Cap. 23. Proſecutors of Offences not capital in the County Courts to pay Coſts.

A. D. 1752.

C H A P. VII.

An Act to explain the Charter and enlarge the Privileges of the Borough of Norfolk, and for other Purposes therein mentioned.

(a)

I. **W**HEREAS his present Majesty King George the Second, by his Royal Charter, bearing Date, under the Seal of this Colony, the fifteenth Day of September, in the tenth Year of his Reign, was graciously pleased to grant to the Inhabitants of *Norfolk* that the same should be a Borough incorporate, consisting of a Mayor, Recorder, eight Aldermen, and sixteen Common Councilmen, and was further pleased, among other Things, to grant unto the said Mayor, Recorder, Aldermen, and Common Council, of the said Borough, and to their Successors for ever, and to all Freeholders of the said Borough owning Half a Lot of Land, with an House built thereon according to Law, and to all Persons actually residing and inhabiting within the said Borough having a visible Estate of the Value of fifty Pounds current Money at the least, and to all Persons who should serve five Years to any Trade within the said Borough, and should after the Expiration of their Time be actually Housekeepers and Inhabitants in the said Borough, full Power and Authority to name, elect, and send, one Burgeſs qualified as therein is mentioned, to be present, sit, and vote, in the House of Burgeſſes of this Colony; and some Doubts and Controversies having lately arisen concerning the Construction of the said Charter, with Respect to the Qualifications of Persons entitled by the said Charter to vote at the Election of a Burgeſs for the said Borough: For settling the said Doubts and Controversies,

Private.

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgeſſes, of this present General Assembly, and it is hereby enacted, by the Authority of the same, and the true Intent and Meaning of the said Charter is hereby declared to be,* that no Person shall vote at the Election of a Burgeſs for the said Borough, in Right of any Freehold, unless he has an Estate of Freehold in one Half of a Lot of Land within the said Borough, and that there be standing upon the said Half of a Lot an House of such Dimensions as is required by Law for saving one whole Lot, in tenantable Repair at the Time of giving such Vote; and where two or more are seized of any Estate of Freehold within the said Borough, as joint Tenants, Tenants in common, or Copartners, no more than one Vote shall be given or allowed in Right of such Freehold, and that only in Case all the Parties interested can agree, otherwise no Vote shall be allowed to be given for any such Freehold; and that no Person shall be entitled to vote at such Election, as an Inhabitant or Resident within the said Borough, unless he has actually resided there twelve Months next before the Time of giving his Vote; and no Person whatsoever being a Servant, by Indenture, Covenant, or otherwise, shall be allowed to give any Vote at such Election, in Right or on Account of his being an Inhabitant or Resident within the said Borough; and that no Person shall be entitled to vote at such Election, in Right or on Account of his having served five Years in the said Borough, unless he shall have actually served as an Apprentice to some Trade within the said Borough for the Term of five Years, and shall have obtained a Certificate thereof from the Court of Hustings within the said Borough, under the common Seal of the said Borough, and is also an Inhabitant or Housekeeper within the said Borough at the Time of giving his Vote, the Charge of which Seal, to any Apprentice so serving as aforesaid, shall not exceed two Shillings and Sixpence current Money.

A. D. 1752.

III. *AND be it further enacted, by the Authority aforesaid, that any Person claiming a Right to vote as a Freeholder, before he is admitted to poll at the Election of a Burgefs for the faid Borough, fhall, if required by any Candidate, or other Person entitled to vote at fuch Election, take the following Oath (or, being one of the People called Quakers, fhall declare to the Effect of the fame upon his Affirmation) that is to fay :*

Y O U fhall fwear that you have a fole Eftate of Freehold, or Eftate of Freehold in joint Tenancy, Tenancy in common, or Coparcenary with in one Half of a Lot of Land within the Borough of Norfolk, and that there is an Houfe now ftanding thereon of fuch Dimensions as is required by Law for faving one whole Lot, in tenantable Repair ; and that the fame hath not been granted to you fraudulently, on Purpofe to qualify you to give your Vote at this Election.

And every Person claiming a Right to vote as a Refident and Inhabitant within the faid Borough fhall, if required, take the following Oath (or, being a Quaker, declare the fame on his Affirmation) that is to fay :

Y O U fhall fwear that you are, and have been for twelve Months laft paft, a Refident and Inhabitant within the Borough of Norfolk, and that you have a vifible Eftate of the Value of fifty Pounds current Money, at the leaft ; and that the fame, or any Part thereof, hath not been given or conveyed to you fraudulently, on Purpofe to qualify you to give your Vote at this Election.

IV. *AND be it further enacted, that no Person fhall be qualified to be elected one of the Common Councilmen of the faid Borough until he has actually refided there twelve Months at the leaft, and fuch Residence fhall be deemed a fufficient Qualification, although he be no Freeholder ; and that the Writ for electing a Burgefs for the faid Borough fhall be directed to the faid Mayor of the faid Borough for the Time being, as has been ufed heretofore, and the faid Mayor is hereby declared to be the returning Officer.*

V. *AND for afcertaining the Bounds of the faid Borough, Be it enacted, by the Authority aforesaid, that the Mayor, Recorder, and Aldermen, of the faid Borough, for the Time being, be, and they are hereby declared to be, the fole Feoffees, or Trustees and Directors, of the faid Borough, and that they be hereby empowered to order a complete Plan to be made of the Bounds within the faid Borough, and that the Charge thereof be paid by the refpective Freeholders.*

VI. *PROVIDED nevertbelefs, that nothing herein contained fhall be contrued to take away, or alter, the Right and Title of the Juftices of the County of Norfolk in and to one certain Lot or Parcel of Land within the faid Borough, whereon the Courthoufe and Prifon now ftand.*

VII. *AND be it further enacted, by the Authority aforesaid, that the Court of Huftings within the faid Borough fhall from henceforth have the fole Power of granting Licenfes to Ordinary Keepers within the faid Borough, and that the County Court of Norfolk fhall not exercife any Jurifdiction in that Matter, as hath been formerly done.*

VIII. *PROVIDED always, that fuch Licenfes be granted in the Manner directed by one Act of Affembly made in the twenty fecond Year of the Reign of his prefent Majesty, intituled An Act for regulating Ordinaries, and ReftRAINT of Tippling Houfes ; and the Juftices of the faid Court of Huftings fhall have the fame Power and Authority, both as to granting Licenfes and regulating and fuppreffing Ordinaries, as the Juftices of any County Court within this Colony have or may exercife by Virtue of the fame or any other Act of Affembly.*

A. D. 1752.

IX. AND whereas it appears to this Assembly that there is no Courthouse or Prison belonging to the Corporation of the said Borough, for the Commitment of Debtors, Criminals, and Offenders, but that the Courthouse and Prison of *Norfolk* County, standing within the Limits of the said Borough, hath hitherto been used for that Purpose, on Sufferance, which is attended with Inconvenience, both to the said County and Borough, and that they are desirous a Courthouse and Prison should be built for the Use of the said Borough, at the Charge of the Inhabitants of the Corporation, but it is a Doubt whether they have Power by their Charter to assess a Tax on the said Inhabitants for that Use, or for any other needful Occasion of the Borough, when their Chamber is deficient, *Be it therefore enacted, by the Authority aforesaid*, that it shall and may be lawful for the Mayor, Recorder, Aldermen, and Common Council, of the said Borough, for the Time being, in Common Hall assembled, to levy and assess, by the Poll, on the tithable Persons inhabiting within the said Borough, all such Sum and Sums of Money as shall be necessary for erecting a Courthouse and Prison for the Use of the said Borough, if their Chamber shall be deficient, and to appoint a Collector of the same; and if any Person or Persons shall refuse or neglect to satisfy or pay the Money so on him, her, or them, levied or assessed, according to the Times appointed for Payment thereof, it shall and may be lawful to and for such Collector, by Warrant from under the Hand of any Magistrate of the said Borough, to levy the Money so due by Distress and Sale of the Delinquent's Goods, in the same Manner as for Non-Payment of publick and County Levies in this Colony.

X. *AND be it further enacted, by the Authority aforesaid*, that the Justices of the County of *Norfolk* for the Time being shall, and they are hereby required, at the Time of laying the Levies for the said County, in every Year, to levy for the Serjeant and Constables of the said Borough for the Time being so much Tobacco as shall hereafter become due to them for all such Services done, and Prison Fees, arising within the said Borough, not already by Law directed to be paid, as would properly be chargeable on the said County, by the Sheriff and Constables thereof, in Case the said Borough had not been incorporated.

XI. AND whereas, at the Time of laying out the aforesaid Town of *Norfolk*, a Lot or Parcel of Land was laid off and set apart for the Use of a School, for the Benefit of the Inhabitants of the said Borough and County of *Norfolk*, which said Lot or Parcel of Ground is capable of being improved and built on, *Be it enacted, by the Authority aforesaid*, that the Court of the said County of *Norfolk*, and the Mayor, Recorder, and Aldermen, of the said Borough, or the major Part of them, shall have full Power and Authority to build on, or let, the said Lot or Parcel of Land, for any Term of Years, for the Use and Benefit of the said School, and to provide and agree with an able Master for the said School, capable to teach the Greek and Latin Tongues; which said Master, before he be received or admitted to keep School, shall undergo an Examination before the Masters of the College of *William and Mary*, and the Minister of *Elizabeth* Parish, for the Time being, and produce a Certificate of his Capacity, and also a License from the Governour, or Commander in Chief of this Dominion for the Time being, agreeable to his Majesty's Instructions, which said Master, qualified as aforesaid, shall continue in such Office during his good Behaviour, and no longer.

A. D. 1752.

C H A P. VIII.

An Act for clearing Appamattox and Pamunkey Rivers. (a)

I. **W**HEREAS the upper Part of the Rivers *Appamattox* and *Pamunkey* are become useless to the Inhabitants of this Colony, by Means of Mill Dams, Fish Hedges, and other Obstructions therein: For Remedy thereof,

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that the Honourable *Peter Randolph, Esquire, William Randolph, George Carrington, Clement Read, John Nash, Benjamin Harris, George Walker, and Joseph Morton the younger, Gentlemen,* be and are hereby appointed Trustees for the clearing the River *Appamattox*; and that the Honourable *William Nelson, Esq; the Honourable Thomas Nelson, Esq; Ralph Wormeley, John Chiswell, John Syme, Henry Robinson, William Winston the younger, and William Dabney, Gentlemen,* be appointed Trustees for the clearing the River of *Pamunkey*, and the said Trustees are authorized and empowered to take and receive Subscriptions for the clearing of the said Rivers, and they are hereby directed to apply the Money arising from such Subscriptions for the clearing the River to which they are respectively appointed by this Act; and they, or any four of them, may agree with any Person or Persons for clearing the said Rivers, who shall have full Power and Authority to remove all Stops which they or the said Trustees shall think in any Wise obstruct the Navigation of the same.

III. *AND be it further enacted,* that where any Mill Dams are raised or built across the said Rivers, or either of them, the Proprietor or Proprietors of such Mill or Mills shall, within six Months after the passing of this Act, build, erect, or prepare, a Gate, Lock, or Passage, sufficient and convenient for the passing of any Boat or other Vessel; and if the Proprietor or Proprietors of any such Mill or Mills shall fail to erect, build, or prepare, such Gate, Lock, or Passage, within six Months after the passing of this Act, then it shall and may be lawful to and for the said Trustees, or the Person or Persons so appointed by them, to break down and destroy the said Mill Dams, any Law, Usage, or Custom, to the contrary, in any Wise notwithstanding.

IV. *AND* whereas by an Act made in the twenty second Year of his present Majesty's Reign, intituled *An Act for clearing of Rivers and Creeks*, it is enacted "that all Hedges or Stone Stops already made across any River, Creek, or Run, shall be taken up and destroyed by the Person or Persons who made or placed the same," under a certain Penalty therein mentioned, which hath not answered the Purposes expected, by Reason of the Difficulty of fixing the Proof on the Person or Persons offending against the said Act, *Be it therefore enacted, by the Authority aforesaid,* that the Charge of taking up and destroying any Hedges and Stone Stops, or any Part of them, that shall be standing or remaining in either of the said Rivers of *Appamattox* or *Pamunkey* on the tenth Day of *July* next, or at any Time after that Day, shall be repaid to the said Trustees respectively by the Person or Persons opposite to whose Lands the said Hedges or Stone Stops shall be, and the said Person or Persons permitting them to remain as aforesaid shall moreover be liable and subject to the Penalties by the said recited Act imposed.

V. *AND be it further enacted, by the Authority aforesaid,* that it shall and may be lawful for the said Trustees, or any Person or Persons employed by them in the Execution of this Act, to pass through, or go on Shore upon, the Lands

of any Person whatsoever, without being subject to an Action of Trespass for the same; and if any Suit shall be commenced for any Thing done in Pursuance of this Act, the Person or Persons sued may plead the general Issue, and give this Act in Evidence; and every Court before which such Suit shall be prosecuted, where a Verdict shall be found for the Defendant, or the Plaintiff shall be nonsuited, shall give Judgment for the Defendant and treble Costs. A. D. 1752.

VI. *AND be it further enacted, by the Authority aforesaid, that it shall be lawful for the said Trustees, or Persons employed by them, respectively, to cut or take off the Lands of any Person adjacent to the said Rivers such and so much Timber as shall be necessary for the Purposes of this Act, and the same shall be viewed and valued, as is directed by an Act made in the twenty second Year of his Majesty's Reign, intituled *An Act concerning Highways, Mill Dams, and Bridges*, and shall be paid for by the said Trustees.*

VII. *AND be it further enacted, that in Case of the Death, Removal out of the Country, or other legal Disability, of any one or more of the Trustees before named, it shall and may be lawful for the surviving or remaining Trustees, from Time to Time, to elect and choose so many other Persons, in the Room of those so dead or removed, as shall make up the Number of eight, which Trustees so chosen shall be, to all Intents and Purposes, vested with the same Power as any other in this Act particularly nominated and appointed.*

Signed by ROBERT DINWIDDIE, *Esq; Governour.*
JOHN ROBINSON, *Jun. Speaker.*

A. D. 1753.

ROBERT
DINWIDDIE,
Esq; Governour.

At a GENERAL ASSEMBLY begun and held at the COLLEGE, in the City of *Williamsburg*, on *Thursday* the twenty feventh Day of *February*, in the twenty fifth Year of the Reign of our Sovereign Lord GEORGE II. by the Grace of GOD of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord 1752, and from thence continued, by feveral Prorogations, to *Thursday* the first Day of *November*, in the twenty feventh Year of his Majesty's Reign, and in the Year of our Lord 1753, and then held at the CAPITOL, in the City of *Williamsburg*, being the fecond Seflion of this Affembly.

C H A P. I.

An Act for reducing the feveral Laws made for eftablifhing the General Court, and for regulating and fettling the Proceedings therein, into one Act of Affembly. (a)

I. **F**OR the regular Determination of Suits and Controverfies, and for erecting, constituting, and continuing, fuch Courts as fhall be competent and neceffary to hear and determine all fuch Caufes as fhall be brought before them:

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgefles, of this prefent General Affembly, and it is hereby enacted, by the Authority of the fame,* that at fome one certain Place, lawfully appointed, and at the Time and Times herein after directed, there fhall be held one principal Court of Judicature for this Colony and Dominion, which Court fhall be and is hereby eftablifhed by the Name of the General Court of *Virginia*, and fhall confift of his Majesty's Governour or Commander in Chief, and Council, for the Time being, any five of them to be a Court; and they are hereby appointed and declared Judges or Juftices, to hear and determine all Suits and Controverfies which fhall be depending in the faid Court.

The General
Court of *Vir-*
ginia.Who fhall be
Judges thereof.Five of them
to be a Court.The Judges
to be fworn.

III. *AND be it further enacted, by the Authority aforefaid,* that every Perfon who fhall, from Time to Time, or at any Time hereafter, accept the Office of a Judge or Juftice of the faid Court, before his entering upon and executing the fame, fhall take the Oaths appointed to be taken by Act of Parliament, and repeat and fubfcribe the Teft, and fhall alfo take the following Oaths, to wit:

(a) See 22 Geo. 2. (1748) Cap. 4. with the Notes.

22 Geo. 2. (1748) Cap. 9. directing the Trial of Criminals for capital Offences.

25 Geo. 2. (1752) Cap. 2. eftablifhing the Proceedings between the Repeal of the former and paffing of this Act.

A. D. 1753.

The Oath of a JUDGE of the General Court.

YOU shall swear that you will well and truly serve our Sovereign Lord the King, and his People, in the Office of a Judge or Justice of the General Court of Virginia; and you shall not counsel or assent to any Thing which may turn to the Hurt or disheriting of the King, by any Way or Colour; and you shall do equal Law and Execution of Right to all the King's Subjects, rich and poor, without having Regard to any Person. You shall not take by yourself, or by any other Person, any Gift or Reward, of Gold, Silver, or any other Thing, for any Matter by you done, or to be done, by Virtue of your Office. You shall not take any Fees, or other Gratuity, of any Person, great or small, except such Salary as shall be by Law appointed, or such Salary as his Majesty, his Heirs or Successors, shall think fit to allow you for your Service. You shall not maintain, by yourself or any other, privily or openly, any Plea or Quarrel hanging in any of the King's Courts. You shall not delay any Person of common Right, for the Letters of the King, his Governours of this Colony, or of any other Person, nor for any other Cause; and in Case any Letter come to you contrary to the Law, you shall nothing do for such Letter, but you shall proceed to do the Law, the said Letters notwithstanding. And finally, in all Things belonging to your said Office, during your Continuance therein, you shall faithfully, justly, and truly, according to the best of your Skill and Judgment, do equal and impartial Justice, without Fraud.

Their Oath
as Judges of
common Law,

So help you God.

The Oath of a JUDGE of the General Court in Chancery.

YOU shall swear that well and truly you will serve our Sovereign Lord the King, and his People, in the Office of a Judge or Justice of the General Court of Virginia, in Chancery; and that you will do equal Right to all Manner of People, great and small, high and low, rich and poor, according to Equity and good Conscience, and the Laws and Usages of this Colony and Dominion of Virginia, without Favour, Affection, or Partiality.

As Judges in
Chancery.

So help you God.

IV. AND if any Person whatsoever shall presume to sit, or execute the said Office, without first qualifying himself as by this Act required, he shall for every such Offence be fined five Hundred Pounds current Money, one Moiety thereof to our Sovereign Lord the King, his Heirs and Successors, for and towards the better Support of this Government and the contingent Charges thereof, and the other Moiety to the Informer.

Penalty for
executing this
Office before
sworn in.

V. AND be it further enacted, by the Authority aforesaid, that the said General Court shall take Cognizance of, and are hereby declared to have Power and Jurisdiction to hear and determine, all Causes, Matters, and Things whatsoever, relating to, or concerning, any Person or Persons, ecclesiastical or civil, or to any Person or Things, of what Nature soever the same shall be, whether brought before them by original Process, Appeal from any inferior Court, or by any other Ways or Means whatsoever.

Jurisdiction
of this Court.

VI. PROVIDED always, that no Person shall take original Process for the Trial of any Thing in the General Court of less Value than ten Pounds Sterling, or two Thousand Pounds of Tobacco, on Penalty of having such Suit dismissed and the Plaintiff being nonsuited, and paying Costs of Suit.

No original
Process nor Suit
on penal Laws
for less than
10^l Sterling,
or 2000 lb. of
Tobacco.

VII. PROVIDED also, that any Action may be commenced and maintained in the General Court, by or against the Justices of any County Court, or other inferior Court, or the Vestry of any Parish, although the Sum sued for shall not exceed ten Pounds, or two Thousand Pounds of Tobacco.

Except
against County
Courts or
Vestries.

E e e

A. D. 1753.

General
Court to be held
twice a Year.

VIII. *AND* be it further enacted, by the Authority aforefaid, that the faid General Court fhall be held two Times every Year, to wit: One of the faid Courts fhall begin upon the tenth Day of *April*, if not *Sunday*, and then on the *Monday* thereafter, and fhall continue to be held twenty four natural Days, *Sundays* exclusive; and the other Court fhall begin upon the tenth Day of *October*, if not *Sunday*, and then on the *Monday* thereafter, and fhall alfo be held and continue twenty four natural Days, *Sundays* exclusive.

Rules of
Court for dock-
eting Caufes.

IX. *AND* that the firft five Days of every General Court be appointed for hearing and determining Suits in Chancery, Appeals from Decrees of the County Courts, or other inferiour Courts, in Chancery, and Writs of *Superfedeas* to fuch Decrees; and that the other Days be appointed for trying Suits or Profecutions on Behalf of his Majesty, and all other Matters depending in the faid Court.

X. *AND* that before every General Court the Clerk fhall enter, in a particular Docket for that Purpofe, all fuch Caufes, and thofe only in which any Ifsue is to be tried, Writ of Inquiry to be executed, fpecial Verdict, Cafe agreed, or Demurrer to be argued, and all Caufes fet down for hearing, or Argument in Chancery, in the fame Order as they ftand in Courfe of Proceedings, fetting, as near as may be, an equal Number of fuch Caufes to each Day.

Court may
adjourn.

XI. *PROVIDED* always, that if the Bufinefs of the faid Court fhall be ended in lefs Time than the Days herein before appointed for the Judges or Juftices to fit, it fhall be lawful for them to adjourn to the next fucceeding General Court.

Rules of if-
fuing and Re-
turns of Pro-
cefs.

XII. *AND* for the more regular Profecution and Determination of Suits, or other Proceffes in the faid Court, *Be it further enacted, by the Authority aforefaid*, that all original Procefs, either by Writ, Summons, or any other Manner or Means, and all fubfequent Procefs thereupon, to bring any Perfon or Perfons whatfoever to answer in any Action, real, perfonal, or mixed, Suit, Information, Bill, or Plaint, in the General Court, and all Attachments awarded by the faid Court at the common Law, and all Subpœnas, and other Procefs in Chancery, fhall be fued out and iffued from the Secretary's Office, returnable on the refpective Days herein after directed, and fhall bear Teftes by the Governour or Commander in Chief for the Time being, and be figned by the Clerk of the faid Court, and may be executed at any Time before the Day of the Return thereof; and all fuch Writs and Procefs fhall be returnable to the next fucceeding General Court, on the feveral Days following, to wit: All Writs, and other Procefs at the common Law, fhall be returnable to the eighth or twenty third Day of the next General Court, Subpœnas, and all other Procefs in Chancery, to the firft or twenty third Day, Procefs at the Suit of his Majesty, on criminal Profecutions, to the fixth Day, Procefs on Petitions for lapsed Land to the feventh Day, and on no other Days or Times whatfoever; and all fuch Writs, or Procefs, which fhall be made returnable on any other Days or Times, fhall be null and void. And if any Writ or Procefs fhall be executed fo late that the Sheriff hath not reasonable Time to return the fame before the Day of Appearance herein after limited, and thereupon an *Alias* or *Pluries Capias*, Attachment, or other Procefs, fhall be awarded, the Sheriff fhall not execute fuch fubfequent Procefs, but fhall return the firft Procefs by him executed, and thereupon the Plaintiff fhall declare and ufe the fame Proceedings as herein after directed, and as if fuch Writ or Procefs had been returned to the Secretary's Office on or before the Day of Appearance limited for the Return thereof.

A. D. 1753.
Appeals.

XIII. AND that all Appeals from Decrees in Chancery, obtained in any County Court, or other inferiour Court, shall be made to the third Day of the next General Court; and all Appeals from Judgments of any of the faid Courts in Suits at common Law shall be to the refpective Days following, to wit: From the County Courts of *Henrico, Chefterfield, Prince George, Dinwiddie, Surry, Ifle of Wight, Southampton, Nanfemond, Norfolk, Princess Anne, Albemarle, Amelia, Brunfwick, Goochland, Cumberland, Halifax, and Lunenburg*, to the eighth Day; *James City, Charles City, New Kent, Warwick, Elizabeth City, York, Hanover, and Louifa*, to the ninth Day; *Gloucefter, King William, King and Queen, Middlefex, Effex, Caroline, Augufta, Spotsylvania, and Orange*, to the tenth Day; *Richmond, Westmoreland, Northumberland, Stafford, Lancafter, Fairfax, Frederick, King George, Culpeper, and Prince William*, to the eleventh Day; *Accomack, and Northampton*, to the twelfth Day of the next fucceeding General Court, and no Appeal shall be admitted on any other Day. Appeals from fuch Judgments of any Corporation Court shall be to the fame Day as Appeals from the County wherein fuch Corporation is; and that all Writs of Errour, *Superfedeas*, and *Certiorari*, shall be returnable to the fame Days refpectively as Appeals from Judgments at the Court of that County to which fuch Writ or Writs shall be directed; and the Clerk of the Court is hereby required to regulate the Docket accordingly, proportioning the Suits and Caufes to fuch of the faid Days as will be moft convenient.

Writs of Errour, *Superfedeas*, *Certiorari*.

XIV. AND be it further enacted, by the Authority aforefaid, that if any Action, or other Procefs, shall be commenced and profecuted againft any Perfon being a Member of his Majefty's Council of State within this Dominion, then, inftead of other Procefs which might be legally taken in like Cafe againft any other Perfon, the Clerk of the General Court shall iffue a Summons, directed to the Sheriff of the County where fuch Counfellor ufually refides, reciting the Matter or Caufe charged againft him, and summoning him to appear and anfwer the fame, upon fuch a certain Day of the next General Court as shall be therein mentioned; and if fuch Counfellor shall not appear at the Day, according to fuch Summons, it shall be lawful for the Court to award an Attachment againft the Eftate of fuch Counfellor fo failing to appear, and thereafter the Proceedings in fuch Cafes shall be in the fame Manner as upon the Sheriff's returning *Non eft inventus*, upon any ordinary Procefs; and in like Manner Procefs againft the Sheriff of any County shall be iffued and directed to any Coroner of the County where fuch Sheriff refides, and thereupon the like Proceedings shall be had againft him as are herein before directed concerning a Counfellor. And if any Counfellor, or Sheriff, shall fail to anfwer Procefs in Chancery, one or more *Diftringas* shall thereupon iffue, to compel fuch Defendant to anfwer.

Procefs againft a Counfellor.

Or a Sheriff.

XV. AND be it further enacted, by the Authority aforefaid, that when any Writ shall iffue whereby the Sheriff is commanded to take the Body of any Perfon or Perfons, to anfwer unto any Plaintiff or Plaintiffs in the General Court, in any personal Action, and no Debt or Damages shall be mentioned in fuch Writ, or if Bail shall not be by Law requirable, in every, or any fuch Cafe, the Sheriff to whom fuch Writ shall be directed may take the Engagement of any Attorney praftifing in the General Court, under his Hand, endorfed upon fuch Writ, that he will appear, or caufe an Appearance to be entered for the Defendant or Defendants within named, according to the Return of the faid Writ; and fuch Appearance shall be accordingly entered with the Clerk of the Court in the Secretary's Office, on the fecond Day after the End of the General Court to which fuch Procefs shall be returnable, which faid fecond Day after the End of every General Court shall be accounted, deemed, and taken, and is hereby declared to be the Day of Appearance, to all Procefs at the common Law, or in Chancery, returnable to any Day of the Court next preceeding; and if any Attorney, or other Perfon praftifing as an Attorney, fo engaging to enter, or

Appearance in personal Actions where no Bail is required.

A. D. 1753.
 Attorney en-
 gaging to ap-
 pear, and fail-
 ing, forfeits
 50 s.

caufe an Appearance to be entered, fhall fail fo to do, he fhall forfeit and pay to the Plaintiff or Plaintiffs fifty Shillings current Money, for which Judgment fhall be immediately entered, and the Plaintiff may take Execution thereupon, by *Capias ad Satisfaciendum* or *Fieri Facias*.

Where Bail
 fhall be requi-
 rable.

In what Cafe
 the Bail, or
 Sheriff, fhall be
 liable.

XVI. *AND be it further enacted, by the Authority aforefaid, that upon executing any Procefs, whereupon Bail fhall be requirable, the Sheriff fhall return therewith the Names of the Bail by him taken, and a Copy of the Bail Bond, to the Secretary's Office, before the Day of Appearance; and if the Defendant fhall fail to appear accordingly, or fhall not give fpecial Bail, being ruled thereto by the Court, the Bail fo returned fhall be fubject to the fame Judgment and Recovery, and have the fame Liberty of Defence, as the Defendant might have or be fubject to if he had appeared and given fpecial Bail. And if the Sheriff fhall not return Bail, and a Copy of the Bail Bond, or the Bail fo returned fhall be adjudged infufficient by the Court, or the Defendant fhall fail to give fpecial Bail, being ruled thereto by the Court, then Judgment fhall be given againft the Sheriff, in the fame Manner, and with the fame Condition, as againft the Bail. And if the Sheriff depart this Life, before Judgment be confirmed againft him, in fuch Cafe it fhall be lawful to confirm fuch Judgment againft the Executors or Adminiftrators of fuch Sheriff; and if there fhall not be any Probat or Adminiftration granted, then it fhall be lawful to confirm the Judgment againft the Eftate of fuch deceased Sheriff, and a Writ of *Fieri Facias* fhall and may iflue to feize and levy fo much of his Goods and Chattels as will fatisfy the Judgment, and every Part thereof.*

Sheriff's Re-
 medy, where the
 Bail is judged
 infufficient.

XVII. *PROVIDED always, that the Plaintiff fhall object to the Sufficiency of the Bail during the fitting of the General Court to which the Writ is returnable, and at no Time after; and no Judgment fhall be entered againft the Sheriff where Bail is returned, unlefs fuch Bail fhall be adjudged infufficient by the Judges of the General Court at the Time aforefaid; and where the Bail fhall be adjudged infufficient, and Judgment fhall be given againft the Defendant and Sheriff, the Sheriff fhall have the fame Remedy againft the Eftate of fuch Bail as he may have againft the Defendant's Eftate.*

Where Judg-
 ment againft
 Defendant, and
 Sheriff or Bail,
 may be fet afide.

XVIII. *PROVIDED alfo, that every interlocutory or final Judgment againft any Defendant and the Sheriff, or againft any Defendant and the Bail, returned by the Sheriff, entered or obtained before any General Court next enfuing the Return of the Writ upon which fuch Defendant was arrefted, fhall be fet afide if the Defendant, upon the eighth Day of the Court next enfuing the Return as aforefaid, fhall be allowed to appear without Bail, or fhall put in good Bail, and plead to Iflue immediately.*

Remedy for
 Sheriff, or Bail,
 where Judg-
 ment is con-
 firmed againft
 them.

XIX. *AND be it further enacted, by the Authority aforefaid, that in every Cafe where Judgment fhall be confirmed againft any Defendant or Defendants and the Bail, or againft any Defendant or Defendants and the Sheriff, or againft his Executors or Adminiftrators, or againft his Eftate, as aforefaid, it fhall and may be lawful for the Court where fuch Judgment fhall be confirmed upon Motion of fuch Bail or Sheriff, or his Executors or Adminiftrators, or of any other Perfon on his or their Behalf, to order an Attachment againft the Eftate of fuch Defendant or Defendants, or fo much thereof as fhall be fufficient to fatisfy fuch Judgment and Cofts, and all other Cofts and Charges concerning the fame; which Attachment fhall be returnable to the next fucceeding Court, and thereupon fuch Eftate fhall by the Court be condemned, for Satisfaction of the Judgment, Cofts, and Charges aforefaid, and fhall be fold as Goods taken in Execution by *Fieri Facias*, and out of the Money arifing by fuch Sale fo much as fhall be fufficient fhall be paid to the Bail or Sheriff, or his Executors or Adminiftrators, to his and their own proper Ufe, and the Remainder, if any, after Charges*

deducted, to the Person from whom the fame was attached, or his, her, or their Attorney or Agent, when required.

A. D. 1753.

XX. *AND be it further enacted, by the Authority aforefaid, that it shall and may be lawful to and for any (a) Judge or Juftice of the General Court, and every fuch Judge or Juftice is hereby authorized and empowered, when the faid Court is not fitting, to take a Recognizance of Bail in any Action in the faid Court depending, which fhall be taken de bene effe; and if the Plaintiff, or his Attorney, fhall except to the Sufficiency of the Bail fo taken, Notice of fuch Exception fhall be given to the Defendant, or his Attorney, at leaft ten Days before the next fucceeding General Court; and if the Bail fo taken fhall be judged infufficient by the Court, the Recognizance thereof fhall be difcharged, and fuch Proceedings fhall or may be had againft the Defendant or Defendants as if no fuch Bail had been taken; but if fuch Bail fhall be judged fufficient, or fhall not be excepted to within the Time aforefaid, then the fame fhall ftand, and be chargeable, to all Intents and Purpofes, as if the Recognizance had been taken in Court: And every Perfon becoming fpecial Bail for any Defendant, or Defendants, fhall be liable to the Judgment given againft him, her, or them, unlefs he render the Defendant's Body in Execution, in Difcharge of his Bail.*

Any Judge of the General Court may take Recognizance of Bail, when the Court is not fitting. But may be excepted to.

Where the fpecial Bail fhall be liable.

XXI. *PROVIDED always, that no fpecial Bail fhall be requirable in any Suit brought upon a penal Law, unlefs by fuch Law Bail fhall be expreffly directed.*

No fpecial Bail in Suits upon penal Laws, except expreffly by the Law required.

XXII. *AND be it further enacted, by the Authority aforefaid, that when any Sheriff fhall return that he hath taken the Body of any Defendant, and committed him to Prifon for Want of Bail, the Plaintiff may proceed, and the Defendant fhall have Liberty to make Defence, as where an Appearance fhall be entered and accepted; nevertheless, fuch Defendant fhall not be difcharged out of Cuftody unlefs the Plaintiff be ruled to accept an Appearance at the next fucceeding General Court, or by putting in good Bail. And that where any Defendant, after Appearance entered, fhall be in Cuftody of the publick Prifon for Debtors, the Plaintiff may file his Declaration, and give a Rule to plead, but fhall deliver a Copy of fuch Declaration and Rule to the Defendant, or his Attorney, one Month at leaft before Expiration of the Rule; and if thereupon, and Oath of the Delivery of fuch Copy made before one of the Judges of the General Court, fuch Defendant fhall fail to enter his Plea before the Rule be out, the Plaintiff may have Judgment, in the fame Manner as is herein after directed upon failing to plead in any civil Action.*

Rules in Returns of Writs, and Appearance in Cuftody.

XXIII. *AND for the better afcertaining what Procefs fhall or may be fued out where the Sheriff returns that the Defendant is not to be found in his Bailiwick, It is hereby further enacted, that where any Sheriff fhall make fuch Return, the Plaintiff or Plaintiffs, in any civil Action, fhall and may fue out an Attachment againft the Estate of fuch Defendant, returnable as herein before is directed for the Returns of original and other fubfequent Procefs thereupon, to force an Appearance, or an Alias or Pluries Capias, if the Defendant cannot be arrefted upon the Alias Capias, or a Teftatum Capias, where the Defendant fhall be removed into another County, till fuch Defendant fhall be arrefted, at the Election of the Plaintiff or Plaintiffs; and if the Sheriff fhall return any Goods by him attached, the Plaintiff fhall file his Declaration, and be entitled to a Judgment for his whole Debt, and the Goods fo attached fhall remain in Cuftody of the Sheriff, till fuch Judgment obtained, and then be fold and difpofed of, in the fame Manner as Goods taken in Execution upon a Writ of Fieri Facias; and if the Judgment fhall not be fatisfied by the Goods attached, the Plaintiff may*

Where the Defendant is not found.

(a) 1 Geo. 3 (1761) Cap. 5. empowers the Judges to appoint Perfons to take Bail in the Country.
3 Geo. 3 (1763) Cap. 6. how Bail may furrender their Principal.

A. D. 1753.

Outlawry, in
civil Actions.

have an Execution for the Refidue: Provided always, that all Goods fo attached fhall and may be replevied, by Appearance and putting in good Bail, if the Defendant fhall be ruled by the Court to give fpecial Bail. And that where the Plaintiff will proceed to the Outlawry of any Defendant, in any civil Action, he may, upon the *Pluries Capias*, or *Capias ad Satisfaciendum*, returned *Non eft inventus*, fue out, and the Clerk of the General Court is hereby empowered and required, upon Request, to iffue an Exigent and Proclamation, returnable upon either of the Return Days aforefaid, to the End that fuch Defendant may be outlawed thereupon.

Rules in per-
fonal Actions,
at the common
Law.

XXIV. AND for the more speedy Determination of all Causes depending in the faid Court, *Be it further enacted, by the Authority aforefaid*, that thefe following Rules and Methods fhall be obferved, to wit: That in all perfonal Actions the Plaintiff fhall file his Declaration, within one Month after the Defendant fhall have entered his Appearance with the Clerk in the Secretary's Office; and if the Plaintiff fhall fail or neglect fo to do, or if any Plaintiff or Demandant fails to appear and profecute his Suit, he fhall be nonfuit.

Nonfuit.

THAT where any Nonfuit fhall be awarded there fhall be paid for the fame, to every Defendant or Tenant, one Hundred and fifty Pounds of Tobacco, and Cofts, where the Defendant's or Tenant's Place of Abode is at the Distance of twenty Miles, or lefs, from the Place of holding the General Court; and where it is more, five Pounds of Tobacco for every Mile above twenty.

Pleadings.

WHEN the Defendant has entered his Appearance, and the Plaintiff files his Declaration, he may give a Rule to plead with the Clerk of the Court in the Secretary's Office, which fhall be out in one Calendar Month after fuch Rule given.

THAT all Rules to plead, reply, rejoin, or for further or other Proceedings, fhall be given regularly, from Month to Month, after the firft Rule for pleading is expired, and fhall not be out in lefs Time than one Calendar Month; nor fhall any Rule be given between Month and Month, to the Intent that all Attornies and others, by infpecting the Rule Book to be kept by the Clerk of the Court, may be more certainly and readily informed what Proceedings have been, or are to be, in the feveral Causes there depending.

Judgment by
Def ult, or
nonfuit.Writ of In-
quiry.

THAT upon the Expiration of any Rule, Judgment by Default, or a Nonfuit, fhall be figned by the Clerk in the Office, as of the preceding Court, which Judgment fhall be final in Actions of Debt, where the Debt is certain; and in other Actions a Writ of Inquiry fhall be executed, the next Court after Judgment figned in the Office, the Plaintiff's Attorney giving the Defendant, or his Attorney, fix Days Notice of the Execution thereof, if the Defendant lives within twenty Miles of the Place where the General Court fhall be held, and if more than that Distance, twelve Days Notice.

Trial.

THAT no Ifsue fhall be tried the next fucceeding General Court after it is joined, unlefs ten Days Notice be given by the Plaintiff's Attorney to the Defendant, or his Attorney, before the Day of Trial, if the Defendant lives within twenty Miles as aforefaid, but if he lives at greater Distance, then twenty Days Notice fhall be given.

IF an Ifsue be not tried, or Writ of Inquiry executed, the next Court after it is joined, or Judgment by Default, or interlocutory Judgment entered, no Notice of Trial, or executing fuch Writ, need to be given, but fuch Causes fhall be called in the fame Order as they ftand on the Docket.

THAT when any final Judgment fhall be obtained out of Court, the Clerk fhall allow a Lawyer's Fee in the Bill of Cofts, if the Plaintiff employed one, which Fee is hereby declared, in all Cafes in the General Court, to be (a) fifty Shillings current Money, or five Hundred Pounds of Tobacco, at the Election of the Party adjudged to pay the fame; but no fuch Fees fhall be taxed againft Executors or Adminiftrators.

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Final Judgment and Lawyer's Fee.

THAT where a fpecial Verdict fhall be found, or Cafe agreed, Time fhall be allowed, upon the Motion of either Party, to the next General Court, to argue it; and if any Caufes fhall, at the End of the Court, remain undetermined, they fhall be continued of Courfe, by the Clerk, to the next fucceeding Court, without calling the fame in Court.

Special Verdict, or Cafe agreed.

THAT where a Plea in Abatement fhall be pleaded, in any Action, and upon Argument the fame fhall be judged infufficient, the Plaintiff or Plaintiffs in fuch Action fhall recover againft the Defendant or Defendants full Cofts to the Time of overruling fuch Plea, including the Cofts of that Court in which fuch Plea fhall be overruled, a Lawyer's Fee only excepted; and that no Plea in Abatement, or of *Non eft Factum*, fhall be admitted or received, unlefs the Party offering the fame fhall, by Affidavit, prove the Truth thereof; and that the Plaintiff in Replevin, or the Defendant in any other Action, may plead as many feveral Matters as he fhall think neceffary for his Defence, fo as they be not admitted to plead and demur to the whole.

Plea in Abatement.

THAT in all Cafes where a Fine is laid on the Juftices of any County Court, or the Veftry of any Parifh, one Action may be brought againft them all jointly.

Fines on County Courts or Veftries.

THAT for the more entire and better Prefervation of the Records of the Court, when any Caufe fhall be finally determined, the Clerk fhall enter all the Pleadings therein, and other Matters relating thereto, together, in a Book to be kept for that Purpofe, fo that an entire and perfect Record may be made thereof; and where the Title of any Eftate in Land is determined, the Pleadings fhall be all in Writing, and fhall be entered at large, with the Judgment thereupon, in particular Books for that Purpofe.

Records of Causes.

THAT for Prevention of Errours in entering up the Judgments of the Court, the Proceedings of every Day fhall be drawn at large, by the Clerk, againft the next Sitting of the Court, when the fame fhall be read in open Court, and fuch Corrections as are neceffary made therein; and then the fame fhall be figned by the Secretary of this Dominion for the Time being, or his Deputy, and carefully preferved among the Records.

THAT in all Cafes where Witneffes are to appear before the General Court a Summons fhall be iffued by the Clerk, expreffly mentioning the Day and Place when and where the Witnefs fhall appear, the Names of the Parties to the Suit, wherein they are to give Evidence, and on whole Behalf they are fummoned.

Rules for Witneffes.

THAT where any Witnefs fhall be departing this Colony, or by Age, Sicknefs, or other legal Difability, is rendered incapable of attending the Court, the Party requiring fuch Witnefs's Testimony may obtain Certificate of fuch Departure or Difability, under the Hand of one or more Juftice or Juftices of Peace of the County where fuch Witnefs lives, which being produced to any two of the Judges of the General Court, they may, at any Time, upon Request

Examinations of such as cannot attend the Court.

(a) By 5 Geo. 3. (1765) Cap. 15. full Fee allowed.

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of either Party, order such Witness's Deposition to be taken, at such Time and Place, and before such Persons, as they shall think proper; or where the Court shall be satisfied of the Disability of any Witness to attend, they may grant such Order, if they think fit, and thereupon Commissions to examine such Witnesses shall be issued by the Clerk, but the Party obtaining the same shall give reasonable Notice of the Time and Place of executing such Commission to the other Party, otherwise the Depositions taken shall be void.

Refusal to
give Evidence.

THAT if any Person whatsoever, summoned as a Witness, upon his or her Appearance before the Court, or Persons commissioned as aforesaid to examine and take his or her Deposition, shall refuse to give Evidence, upon Oath (or, being one of the People called Quakers, solemnly to affirm and declare) to the best of his or her Knowledge, every Person so refusing shall be committed to the common Gaol, there to remain, without Bail or Mainprize, until he or she shall give such Evidence.

Recusant,
convict, dis-
abled to be a
Witness.

THAT Popish Recusants, convict, shall be incapable to be Witnesses in any Cause whatsoever.

Persons sum-
moned failing
to attend.

THAT if any Person summoned to attend the General Court as a Witness shall fail to attend accordingly, he or she so failing shall be fined by the said Court one Thousand Pounds of Tobacco, to be paid to the Party for whom such Witness was summoned, and shall be further liable to the Action of such Party, at the common Law, for his or her Damages; but if at the Time such Witness ought to have appeared, or at the next succeeding Court, sufficient Cause of his or her Inability to attend be shewn to the Court, then no Fine or Forfeiture shall be incurred by such Failure.

Witness's
Privilege.

THAT during the Attendance of any Witness at the General Court, and coming to and returning from thence, allowing one natural Day for every twenty Miles such Witness's Place of Abode shall be distant from the same, no Person or Persons whatsoever shall serve or execute, or cause to be served or executed, upon any Witness coming to, attending, or returning from, the said Court, any Writ or Process whatsoever; and if any such be served, or executed, the same shall be void, to all Intents and Purposes.

Their Al-
lowance.

THAT every Witness attending upon Summons shall be paid by the Party at whose Suit the Summons issued one Pound of Tobacco and a Half *per* Mile for coming to the Place where he or she was summoned to appear, and the same for returning, besides Ferriages; and sixty Pounds of Tobacco *per* Day for Attendance, until he or she shall be discharged.

THAT all Witnesses attending the General Court shall claim their Allowance by the Clerk in the Office, and not in Court, unless refused by the Clerk, and then the Witness may apply to the Court for Allowance thereof.

THAT in any Bill of Costs there shall not be allowed the Charge of more than three Witnesses to the Proof of any one particular Matter of Fact.

XXV. AND to the Intent that erroneous Proceedings and Judgments of the inferiour Courts of Record of this Dominion may be corrected and amended, *Be it further enacted, by the Authority aforesaid*, that where any Person or Persons, Bodies politick or corporate, shall at any Time be aggrieved by the Judgment, Decree, or Sentence, of any other Court of Record of this Colony, in any Action or Suit whatsoever, where the Debt or Damages, or other Matter recovered in such Action or Suit, exclusive of the Costs, shall exceed ten Pounds current Money, or two Thousand Pounds of Tobacco, or the Value thereof, or where the Title or Bounds of Lands shall be drawn in Question, it shall be

lawful for fuch Party or Parties to enter an Appeal from fuch Judgment, Decree, or Sentence, to the General Court, and to affign Errour in Manner following, and not otherwife, that is to fay: Upon an Appeal in any perfonal Action or Suit where the Judgment or Decree fhall not exceed twenty Pounds current Money, or four Thoufand Pounds of Tobacco; the Appellant fhall affign Errour in Matter of Right only; and if upon a Hearing in the General Court fuch Judgment or Decree fhall appear to be according to the Right of the Caufe, the fame fhall be affirmed, notwithstanding any mifpleading, or Errour in Matter of Form.

A. D. 1753.
Rules in Appeals.

AND where the Judgment or Decree fhall be for more than the Sums laft mentioned, and not exceed fifty Pounds current Money, or ten Thoufand Pounds of Tobacco, the Appellant may affign Errour in Matter of Right, and fuch Errours in the Form or Manner of the Proceedings as were infifted upon in the Court from whence fuch Appeal fhall be made; and if fuch Errours fhall not appear fufficient to reverse the Judgment or Decree, the fame fhall be affirmed.

AND in all perfonal Actions, Suits in Chancery, Informations, or other Controverfies, of greater Value than fifty Pounds current Money, or ten Thoufand Pounds of Tobacco, and in all real Actions, of what Value foever, the Appellant may affign any Errours of Form or Subftance.

AND that for Prevention of Delay by arresting Judgments, and vexatious Appeals, the feveral Acts of Parliament commonly called the Statutes of Jeofails, now in Force and Ufe in *England*, fhall be, and are hereby declared to be, for fo much thereof as relates to any mifpleading, Jeofail, and Amendment, in full Force in this Dominion alfo.

Statutes of Jeofails declared in Force;

THAT where the Defendant in any perfonal or mixed Action or Suit fhall appeal, and upon Trial the Judgment or Decree is affirmed, the Damages fhall be fifteen *per Cent.* upon the principal Sum and Cofts, recovered in the County or inferiour Court.

Damages upon Appeals;

AND in any real Action the Damage fhall be two Thoufand Pounds of Tobacco, over and above all Cofts, Charges, and Damages, awarded by the inferiour Court.

AND where the Plaintiff or Demandant appeals, and the Judgment or Decree fhall be affirmed, fuch Appellant fhall pay to the Appellee fifty Shillings, or five Hundred Pounds of Tobacco, befides all Cofts accruing on fuch Appeal.

AND that no Appeal fhall be valid, nor any Writ of *Superfedeas* granted or allowed for reverfing any Judgment or Decree of any County Court, or other inferiour Court, in any Action or Suit whatfoever, where the Debt, Damage, or other Matter recovered, fhall be of lefs Value than the aforefaid Sum of ten Pounds current Money, or two Thoufand Pounds of Tobacco, exclusive of Cofts, unlefs in fuch Suit the Title or Bounds of Lands fhall be in Queftion; nor fhall any Appeal, Writ of Errour, or *Superfedeas*, be granted or allowed until a final Judgment or Decree fhall be given in the County Court, or other inferiour Court.

No Appeal, or *Superfedeas*, to be granted in any Caufe under 10 l. current Money, or 2000 lb. of Tobacco, exclusive of Cofts, except where the Title or Bounds of Land is queftioned; nor before a final Judgment, or Decree.

XXVI. AND to the End that all Writs of *Superfedeas* may be regularly obtained and iffued, *Be it further enacted, by the Authority aforefaid*, that the Party praying fuch Writ or Writs fhall petition the Governour, or Commander in Chief for the Time being, and the reft of the Judges of the General Court, and affign Errour, and fome Attorney practifing in the General Court fhall certify under his Hand that in his Opinion fufficient Matter of Errour is fet forth, or fhewn,

Method of fuing forth Writs of Errour and *Superfedeas*.

A. D. 1753.

by the Petitioner, and thereupon the Governour, or Commander in Chief, and two other of the Judges, may order fuch Writ or Writs to be iffued by the Clerk of the General Court, or may reject the Petition, as they think fit; and upon granting any fuch Writ or Writs, and before iffuing thereof by the Clerk, fuch Petitioner fhall give Bond and Security in the Secretary's Office, which Bonds fhall be under the like Penalties and Conditions, and the Parties fubject to Payment of the like Damages and Cofts, as in Cafes of Appeal.

Judgment.

AND if upon Trial of any Appeal, Writ of Errour, or *Superfedeas*, the Judgment or Decree of any County Court, or other inferiour Court, fhall be reversed, the General Court fhall enter fuch Judgment, or make fuch Decree thereupon, as fhould have been entered or made in the inferiour Court.

XXVII. *PROVIDED* always, that no Writ of Errour to a Judgment obtained in any County or other inferiour Court in this Colony fhall be granted or fued out of the Secretary's Office but with Leave of the General Court, on a Motion for that Purpose, and on giving Bond and Security, in the fame Manner as is herein directed on fuing out a Writ of *Superfedeas*.

XXVIII. *PROVIDED* alfo, that ten Days Notice be given to the adverfe Party of fuch Motion.

Certiorari
how to be fued
forth.

XXIX. AND for fettling a Method of obtaining Writs of *Certiorari*, to remove civil Caufes from the County Courts, or other inferiour Courts, into the General Court, *Be it further enacted, by the Authority aforefaid*, that the Party defiring fuch Writ or Writs, when the General Court is not fitting, fhall, by Petition to the Governour, or Commander in Chief for the Time being, and the reft of the Judges of the General Court, fet forth the Reasons of his defiring fuch Writ or Writs, and fhall make Oath before a Magiftrate to the Truth of the Allegations of his Petition; and then the Governour, and any other two of the Judges, may under their Hands order and award fuch Writ or Writs to the Party praying the fame, or may refuse fuch Writ or Writs, according as the Matter fhall appear to them juft and neceffary, or not: And the Clerk of the Secretary's Office fhall carefully file fuch Petition and Affidavit in the Office, and fhall alfo take Bond from the Petitioner, in fuch Penalty as fhall be directed by the Governour and Judges ordering and awarding fuch Writ or Writs, and with one or more fufficient Security or Securities, for fatisfying and paying all fuch Sum and Sums of Money, or Tobacco, and Cofts, as fhall be adjudged to the adverfe Party, in the Caufe or Caufes fo to be removed; and thereupon the Clerk fhall and may iffue fuch Writ or Writs, but not otherwife.

Punifhment
of the Party
taking a falfe
Oath.

AND if any Perfon making Oath to the Truth of the Allegations of his Petition as aforefaid fhall take a falfe Oath, and be thereof convicted, he fhall be adjudged guilty of Perjury, and fuffer as a Perfon convicted of wilful and corrupt Perjury: Provided always, that the Profecution of fuch Offence be commenced within twelve Months after the Offence committed.

This Writ
fhall not be
granted in any
Matter not
originally cog-
nizable in the
General Court.

Caufes re-
manded fhall
not be removed
before Judg-
ment.

AND that no Writ or Writs of *Certiorari* whatfoever fhall be granted where the Matter in Difpute fhall not be originally cognizable in the General Court; and if any Caufe or Caufes be removed, or ftayed, by any fuch Writ or Writs, and afterwards the fame Caufe or Caufes fhall be remanded, or fent back again, by any Writ of *Procedendo*, or other Writ whatfoever, fuch Caufe or Caufes fhall never afterwards be removed or ftayed before Judgment, by any Writ or Writs whatfoever to be fued forth from the General Court or Secretary's Office.

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Notice to the
adverse Party.

AND that to prevent the obtaining any Writ of *Certiorari* by Surprise, the Party praying such Writ, in any civil Cause, shall give Notice to the adverse Party of the Time of his moving or petitioning for such Writ, at least ten Days before such Motion or Petition; and no such Writ shall, at any Time, be granted without producing an Affidavit of such Notice.

XXX. *AND be it further enacted, by the Authority aforesaid, that where any* *Habeas Corpus.* Person shall be committed, in any civil Action, to the Gaol of any County or Corporation, for any Cause of Matter cognizable in the General Court, it shall and may be lawful for such Person to sue out an *Habeas Corpus cum Causa*, to remove his or her Body to the publick General Court Prison, and the Cause of such Commitment into the General Court; and the Clerk of the Secretary's Office is hereby authorized and required, upon the Application of any such Prisoner, to issue such Writ accordingly.

XXXI. *AND for the Relief of insolvent Debtors, who shall be taken or committed in Execution on Judgments obtained in the General Court, Be it further enacted, by the Authority aforesaid, that when any Person or Persons now is, are, or hereafter shall be, committed to the publick Prison for Debtors in Execution, in any Suit commenced or prosecuted in the General Court of this Colony, and shall have remained in Prison by the Space of twenty Days, it shall be lawful for any Judge or Judges of the said Court, by a Warrant under his or their Hands and Seals, to command the Gaoler or Keeper of the said Prison to bring before the Judges of the said Court, if sitting, or if not, before any two Judges of the said Court, at a certain Time and Place therein to be appointed, the Body or Bodies of such Person or Persons so in Prison as aforesaid, together with a List of the several Executions with which he, she, or they, is or are charged in the said Gaol, which Warrant such Gaoler is hereby required to obey, and Notice thereof shall be given to the Party or Parties, his or their Executors, Administrators, or Agents, at whose Suit such Prisoner or Prisoners is, are, or shall be in Execution; and every such Prisoner coming before the said Court or Judges, as the Case shall be, shall subscribe and deliver in a Schedule of his whole Estate, and take the same Oath as is prescribed by the Act of General Assembly made in the twenty second Year of his present Majesty's Reign, entitled *An Act declaring the Law concerning Executions, and for Relief of insolvent Debtors*, which Schedule, being so subscribed, is to remain with the Clerk of the General Court, for the better Information of the Creditors of such Prisoner or Prisoners.* *Insolvent Debtors how they may be discharged.*

XXXII. *AND be it further enacted, by the Authority aforesaid, that all the* *How their Estate to be disposed of.* Estate contained in such Schedule, for such Use, Interest, Right, or Title, as such Prisoner or Prisoners hath or shall have in the same, and which he, she, or they, may lawfully depart withal, shall be vested in the Sheriff or Sheriffs of the County or Counties wherein such Estate shall lie or be found, to whom the Clerk of the General Court shall transmit a Copy or Copies of such Schedule; and such Sheriff or Sheriffs respectively is and are hereby required to sell and convey the same Estate to any Person or Persons, for the best Price that can be got for the same, and to return Accounts of such Sales to the Clerk of the General Court, and pay the Money arising thereby to the said Clerk, to be by him paid to the Creditor or Creditors, in Proportion to the Amount of their Debts, at whose Suit such Prisoner or Prisoners is or shall be imprisoned: Saving to every such Prisoner or Prisoners his, her, or their, necessary Apparel and Utensils of Trade. And after delivering in such Schedule, and taking such Oath, such Prisoner or Prisoners shall be discharged, by Warrant from the said Court or Judges, and the Gaoler indemnified, in the same Manner as by the said herein before mentioned Act of Assembly is directed in Case of insolvent Debtors discharged by a County Court.

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Persons in Execution issued out of the General Court may be discharged, pursuing the same Method as in the County Court.

XXXIII. *AND be it further enacted, by the Authority aforesaid, that when any Person or Persons shall be taken in Execution on Process issuing out of the General Court, and shall be committed to the Gaol of any County in this Colony, the same Method shall be pursued for the Discharge of such Prisoner or Prisoners as if he, she, or they, had been committed on an Execution issued out of the County Court, except that the Sheriff of such County, after selling the Estate of such Prisoner or Prisoners, shall return an Account of Sales, and the Money arising thereby, to the Clerk of the General Court, to be disposed of as is herein before mentioned; and the Clerk of the County Court shall certify, and transmit, to the Clerk of the General Court, within one Month after such Discharge, a true Copy of all the Proceedings in the Court, which shall remain in the Secretary's Office, with the other Papers in the said Suit.*

XXXIV. *PROVIDED always, that notwithstanding such Discharge it shall be lawful for any Creditor or Creditors, at whose Suit such insolvent Prisoner was imprisoned at any Time afterwards, to sue out a Writ of Scire Facias to have Execution against any Lands or Tenements, Goods or Chattels, which such insolvent Person shall thereafter acquire or be possessed of.*

Penalty on Officer for Neglect of Duty.

XXXV. *AND be it further enacted, by the Authority aforesaid, that if any Sheriff, or other Officer, shall fail or neglect to return any Writ of Execution delivered to such Sheriff or Officer to execute, to the Office from whence the same shall issue, at or before the Day of the Return thereof, such Sheriff or Officer shall be fined by the next succeeding General Court, or County Court, if such Execution shall be issued upon a Judgment obtained therein, at the Discretion of such Court, not exceeding ten Pounds current Money, which Fine shall be to the Use of the Creditor or Creditors at whose Suit such Execution shall have issued, provided the Sheriff or Officer have ten Days previous Notice of the Motion for Judgment for such Fine; and such Sheriff or Officer shall, moreover, be liable to the Action given, and the Penalty inflicted, for the not returning such Writ, by an Act of Assembly made in the twenty second Year of his present Majesty's Reign, intituled *An Act prescribing the Method of appointing Sheriffs, and for limiting the Time of their Continuance in Office, and directing their Duty therein.**

Penalty on Officer for not paying Money levied on Execution.

XXXVI. *AND be it further enacted, that if any Sheriff, or other Officer, shall make Return upon any Writ of Fieri Facias, or Venditioni Exponas, that he hath levied the Debt, Damages, and Costs, as in such Writ is required, or any Part thereof, and shall not immediately pay the same to the Party to whom the same is payable, or his Attorney, or shall return upon any Writ of Capias ad Satisfaciendum, or Attachment for not performing a Decree in Chancery, for Payment of any Sum of Money, or Tobacco, that he hath taken the Body or Bodies of the Defendant or Defendants, and hath the same ready to satisfy the Money and Tobacco in such Writ mentioned, and shall have actually received such Money or Tobacco of the Defendant or Defendants, or have suffered him, her, or them, to escape, with the Consent of such Sheriff or Officer, and shall not immediately pay such Money or Tobacco to the Party to whom the same is payable, or his Attorney, that then, or in either of the said Cases, it shall and may be lawful for the Creditor, at whose Suit such Writ of Fieri Facias, Venditioni Exponas, Capias ad Satisfaciendum, or Attachment, shall issue, upon a Motion made in the next succeeding General Court, or Court of the County from whence such Writ shall issue, to demand Judgment against such Sheriff or Officer for the Money or Tobacco mentioned in such Writ, or so much as shall be returned levied on such Writs of Fieri Facias or Venditioni Exponas, and such Court is hereby authorized and required to give Judgment accordingly, and to award Execution thereupon, provided such Sheriff, or Officer, have ten Days previous Notice of such Motion.*

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XXXVII. *AND be it further enacted, by the Authority aforefaid, that where any Sheriff fhall have taken the Body of any Debtor in Execution, and fhall wilfully or negligently fuffer fuch Debtor to efcape, and fuch Sheriff, or the Perfon fuing out fuch Execution, fhall die before a Recovery can be had againft fuch Sheriff for fuch Efcape, the Perfon fuing out fuch Execution, his Executors or Adminiftrators, fhall and may have and maintain an Action of Debt againft fuch Sheriff, his Executors or Adminiftrators, for the Recovery of all fuch Sums of Money, and Tobacco, as are mentioned in the faid Execution, and Damages for detaining the fame, any Law, Custom, or Ufage, to the contrary notwithstanding.*

Sheriff, his
Executors, &c.
liable for an
Efcape, &c.

XXXVIII. *AND for fettling the Method of, and expediting, Proceedings in the General Court in Chancery, Be it further enacted, by the Authority aforefaid, that in all fuch Suits the following Rules and Methods fhall be put in Practice, and obferved, to wit: That the Complainant fhall file his Bill within four Days after the Day of Appearance; that upon the Complainant's difmiffing his Bill, or the Defendant's difmiffing the fame for Want of Protection, the Complainant fhall pay Cofts, to be taxed by the Clerk of the Court, for which Cofts a Subpœna, or other Procefs of Contempt, may iflue, returnable on any Return Day.*

Rules in
Chancery.

THE Complainant may amend his Bill before the Defendant appears, or in a fmall Matter afterwards, without paying Cofts; but if he amend after Appearance, and in a material Point, whereby the Defendant fhall be put to any extraordinary Cofts, fuch Cofts fhall be paid before the Complainant fhall be at Liberty to amend his Bill.

IF any Defendant fhall not appear upon Attachment returned executed, or being brought into Court upon any fuch Procefs fhall obftinately refufe to answer, the Complainant's Bill fhall be taken *pro confeffo*, and the Matter thereof decreed accordingly.

THE Defendant fhall put in his Answer, to be filed with the Clerk in the Office, within three Months after his Appearance and Bill filed, at the Expiration of which Time, if no Answer fhall be put in, the Clerk, upon Request, fhall iflue an Attachment, returnable to the next Court; and if no Answer fhall be put in upon the Return of fuch Attachment executed, the Complainant's Bill fhall be taken *pro confeffo*, and the Matter thereof decreed: And if the Attachment be returned not executed, fuch further Procefs of Contempt may iflue as is ifluable out of the High Court of Chancery in *England*, in like Cafes.

NO Procefs of Contempt fhall iflue without Oath made of the Service of the Subpœna, unlefs the * fame fhall be returned ferved by a fworn Officer.

* Same not
in the Roll.

EVERY Defendant fhall be at Liberty to fwear to his Answer, before any Judge or Juftice of the General Court, or before any Juftice of Peace.

WHEN any crofs Bill fhall be preferred, the Defendant or Defendants in the firft Bill fhall answer thereto, before the Defendant or Defendants in the fecond Bill fhall be compellable to put in his or their Answer to fuch crofs Bill.

THE Complainant fhall reply, or file Exceptions, within two Months after the Defendant fhall have put in his Answer; and if the Complainant, at the Expiration of that Time, fhall neither reply nor file Exceptions, the Defendant may give the Complainant a Rule to reply with the Clerk of the Court, in the

H h h h

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Secretary's Office, which being expired, and no Replication, or Exceptions filed, the Suit shall be difmiffed, with Cofts.

IF the Complainant's Attorney do except againft the Answer of any Defendant or Defendants, as insufficient, he may file his Exceptions, and give a Rule with the Clerk in the Office, to make a better Answer, within two Months; and if, before the Expiration of fuch Rule, the Defendant fhall put in a fufficient Answer, the fame fhall be received without Cofts, but if the Defendant or Defendants infift on the Sufficiency of the Answer, or neglect or refuse to put in a fufficient Answer, or fhall put in another insufficient Answer, the Plaintiff may fet down his Exceptions, to be argued the next fucceeding General Court, and after the Expiration of fuch Rule, or any fecond insufficient Answer put in, no further or other Answer fhall be received but upon Payment of Cofts.

IF any Bill fhall be difmiffed for Want of a Replication, or other Proceedings, the Court, if they fee Caufe, may order the fame to be retained, upon Motion and Payment of Cofts.

AND if upon Argument the Complainant's Exceptions fhall be overruled, or the Defendant's Answer adjudged insufficient, the Complainant fhall pay to the Defendant, or the Defendant to the Complainant, as the Cafe fhall be, fuch Cofts as fhall be allowed by the Court.

UPON a fecond Answer adjudged insufficient, Cofts fhall be doubled.

IF any Defendant fhall put in a third insufficient Answer, which fhall be fo adjudged, fuch Defendant fhall be examined upon Interrogatories, and committed, till he fhall perfectly answer thofe Interrogatories and pay Cofts.

UPON adjudging any Answer insufficient, the Complainant may have one Subpcena for Cofts, and another to make a better Answer, or one Subpcena for Cofts, and to make a better Answer, at his Election.

IF the Defendant, after Procefs of Contempt, put in an insufficient Answer, which fhall be fo adjudged, the Complainant fhall not be obliged to take out a new Subpcena, but may go on to the Attachment with Proclamation, and other Procefs of Contempt, as if no Answer had been put in.

THAT Rules to plead, reply, rejoin, and for further Proceedings, when neceffary, fhall be given from Month to Month, as is herein before directed for Rules in Proceedings at the common Law.

NO Defendant fhall be admitted to put in a Rejoinder, unlefs it be filed within four Days after the Expiration of the Rule to rejoin, but the Complainant may proceed to the Examination of Witneffes.

NO Rule to rejoin fhall be given before a Replication fhall be filed.

AFTER an Attachment, with Proclamation returned, no Plea or Demurrer fhall be received, unlefs by Order of Court, upon a Motion.

IF the Complainant conceives any Plea or Demurrer to be naught, either for the Matter or Manner of it, he may fet it down with the Clerk, to be argued; or if he thinks the Plea good, but not true, he may take Ifsue upon it, and proceed to Procefs, giving Notice of Hearing as aforefaid, and if fuch Plea fhall be adjudged falfe the Complainant fhall have the fame Advantage as if the fame Plea had been found falfe by Verdict at common Law.

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IF a Plea be pleaded, or Demurrer put in and overruled, no other Plea or Demurrer shall hereafter be received, but the Defendant shall answer the Allegations of the said Bill.

THE Complainant, a Month after a Plea or Demurrer put in, may cause the same to be set down to be argued; but if the Complainant shall not proceed to have the same set down, before the second Court after such Plea or Demurrer put in, the Bill may be dismissed of Course, with Costs.

UPON a Plea or Demurrer argued, and overruled, Costs shall be paid as where an Answer shall be judged insufficient, and the Defendant shall answer within two Months after; but if adjudged good, the Defendant shall have his Costs.

IF any Defendant shall obstinately insist on a Demurrer, and refuseth to answer, where the Court shall be of Opinion that sufficient Matter is alleged in the Bill to oblige him to answer, and for the Court to proceed upon, the Bill shall be taken *pro confesso*, and the Matter thereof decreed.

UPON any Bill filed, and before the Defendant puts in his Answer, upon Oath made that any of the Complainant's Witnesses are aged and infirm, or going out of this Colony, whereby the Complainant thinks he is in Danger of losing the Benefit of their Testimony, the Clerk may issue a *Dedimus* to take the Examination of such Witnesses, *de bene esse*, the Party taking such *Dedimus* giving reasonable Notice to the adverse Party of the Time and Place of taking such Examination.

COMMISSIONS to examine Witnesses may be issued by the Clerk of the Court at any Time after Replication filed, the Party taking such Commission giving ten Days Notice to the adverse Party of the Time and Place of executing the same.

WHEN any Cause shall be at Issue, and the Examination of Witnesses returned, if the Complainant shall not, within a Month thereafter, set down the Cause for Hearing with the Clerk in the Secretary's Office, the Defendant may have the Cause set down at his Request, and bring the same to Hearing, giving the Complainant, or his Attorney, such Notice as is herein before directed in Cases of Trial at common Law.

AND that no Injunction shall be granted from the General Court to stay the Proceedings in any Suit commenced in the County Court, or other inferiour Court, unless the Matter in Dispute be of Value sufficient to admit of an Appeal to the General Court.

No Injunction to be granted for less Value than an Appeal.

XXXIX. *PROVIDED* always, that nothing in this Act contained shall extend to any Suits or Controversies now depending in, or returnable to, the General Court; but that all Writs and other Process at the common Law, or in Chancery, and all Suits, Appeals, and Proceedings whatsoever, issued, granted, or prosecuted, at any Time before passing this Act, and now returnable, or depending in the General Court, shall and may be returned, prosecuted, heard, and determined, in the same Manner as if this Act had never been made.

Proviso for Suits depending before this Act.

XL. *AND* be it further enacted, by the Authority aforesaid, that the Sheriff, and his Officers attending the General Court, shall be and are hereby empowered, during the sitting of the said Court, from Time to Time, to summon grand and petit Juries, and Witnesses, and to execute the Commands of the said Court, within the City of *Williamsburg*, or other Place

Where the Sheriff and Officers attending the Court may summon Jurors and Witnesses, and execute the Court's Commands.

A. D. 1753. where the General Court fhall be held, and Half a Mile round the fame, and to make Return thereof, and fuch Return fhall be fufficient for the Court to proceed thereon.

Repealing
Clause.

XLI. *AND be it further enacted, by the Authority aforefaid, that all and every other Act and Acts, Clause and Claufes, heretofore made for or concerning any Matter or Thing within the Purview of this Act, fhall be and are hereby repealed.*

C H A P. II.

An Act for the better Government of Servants and Slaves. (a)

Rules as to
Servants im-
ported without
Indenture.

I. *BE it enacted, by the Lieutenant Governour, Council, and Burgefles, of this prefent General Affembly, and it is hereby enacted, by the Authority of the fame, that all Servants, except Convicts, imported into this Colony without Indenture, if they be Chriftians, of Chriftian Parentage, and above nineteen Years of Age, fhall ferve but five Years, and if they be under nineteen till they become twenty four Years of Age, and no longer; but every fuch Servant under nineteen fhall be brought, within fix Months after his or her Importation, before the Court of the County where the Mafter lives, and his or her Age adjudged by the Court, otherwife fhall be a Servant no longer than the accuftomary five Years, although under the Age of nineteen, and the Age of fuch Servant fo adjudged and recorded fhall be accounted his or her true Age, in Refpect to the Time of Service.*

Who fhall be
Slaves.

II. *AND that all Perfons who have been or fhall be imported into this Colony, by Sea or Land, and were not Chriftians in their native Country, except Turks and Moors in Amity with his Majefty, and fuch who can prove their being free in England, or any other Chriftian Country, before they were fhipped for Transportation hither, fhall be accounted and be Slaves, and as fuch be here bought and fold, notwithstanding a Conversion to Chriftianity after their Importation.*

Penalty for
felling Freemen
as Slaves.

5 Geo. 3.
(1765) Cap. 7.
Sect. 1.

III. *AND be it further enacted, by the Authority aforefaid, that if any Perfon fhall import into this Colony, and here fell as a Slave, any Perfon or Perfons who have been free in any Chriftian Country, Island, or Plantation, fuch Importer and Seller fhall forfeit and pay, to the Party from whom fuch free Perfon fhall recover his or her Freedom, double the Sum for which fuch free Perfon was fold; to be recovered in any Court of Record of this Colony, with Cofts, according to the Courfe of the common Law, wherein the Defendant fhall not be admitted to plead in Bar any Act or Statute for Limitation of Actions.*

What fhall
be no Discharge
from Slavery.
Children
bond or free ac-
cording to their
Mother's Con-
dition.

IV. *PROVIDED always, that a Slave's being in England fhall not be a Discharge from Slavery, without other Proof of being manumitted there, and that Baptifm of Slaves doth not exempt them from Bondage; and that all Children fhall be bond or free according to the Condition of their Mothers, and the particular Directions of this Act. And where any Female Mulatto, or Indian, by Law obliged to ferve till the Age of thirty one Years, hath been, or fhall be, delivered of any Child during the Time of her Servitude, fuch Child fhall ferve the Mafter or Miftrefs of fuch Mulatto or Indian until it fhall attain the fame Age the Mother of fuch Child was obliged by Law to ferve unto.*

(a) See 22 Geo. 2. (1748) Cap. 31. for better Government of Slaves,
and 5 Geo. 3. (1765) Cap. 9.

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V. *AND* be it further enacted, by the Authority aforesaid, that all Masters and Owners of Servants, by Act of Parliament, Indenture, or Custom, shall find and provide for them wholesome and competent Diet, Clothing, and Lodging, and shall not give immoderate Correction, nor whip any Christian white Servant naked, without Order from a Justice of Peace; and if any Person shall presume to whip a Christian white Servant naked, without such Order, he or she so offending shall forfeit and pay fifty Shillings current Money to the Party injured, recoverable, with Costs, upon Complaint made to the County Court within six Months after such Whipping.

Masters Duty to Servants.

VI. *AND* that all Complaints of Servants made to a Justice of Peace shall be by him received, and if thereupon he shall see Cause he may bind over the Master or Owner to appear before the next Court held for his County, to answer such Complaint, where the same shall be heard and determined. And all Petitions of Servants to the Court of the County wherein they reside, for Diet, Clothing, Lodging, Correction, Whipping, Freedom, or Freedom Dues, shall be received at any Time, without the Formality of an Action, and such Court is hereby declared to have Jurisdiction and Authority (the Master or Owner of the Petitioner being first summoned to appear) to hear and determine the Matter of every such Petition, in a summary Way, and to award Execution thereupon. And where the same shall relate to Diet, Clothing, Lodging, or Correction, the Court may make such Order as to them shall appear just and necessary; and if the Master or Owner will not comply with such Order, the Court may, upon a second Complaint, or Petition, order the Servant so petitioning to be immediately sold by the Sheriff, by publick Auction, for the Residue of his or her Time of Service then unexpired, and the Money or Tobacco arising by such Sale, after Charges deducted, shall be paid to the Owner, when demanded. And if such Servant be sick, lame, or disabled, so that he or she cannot be sold for so much, at least, as will satisfy the Fees and other incident Charges, the Court shall order the Churchwardens of the Parish to take Care of and provide for such Servant till the Expiration of his or her Time of Service, or until he or she can be sold for defraying all Charges; and, moreover, the Court shall, from Time to Time, order the Charges of keeping such Servant to be levied, by Distress, upon the Goods and Chattels of the Master or Owner.

Justices shall receive Servants Complaints.

Proceedings upon Servants Petitions to the Court.

VII. *AND* that no Master or Owner shall, during the Time of Service, make any Contract or Bargain with his or her Servant for further Service, or other Matter or Thing relating to Liberty or personal Profit, unless the same be made in the Presence and with the Approbation of the Court of the County wherein the Master or Owner resides. And if any Servant shall, at any Time, bring in Goods or Money, or during the Time of their Service shall, by Gift, or any other lawful Means, acquire Goods or Money, they shall have the Property and Benefit thereof to their own Use. And if any Servant shall be sick or lame, and so becomes useless or chargeable, his or her Master or Owner shall maintain such Servant until his or her whole Time of Service shall be expired. And if any Master or Owner shall put away a lame or sick Servant, under Pretence of Freedom, and such Servant becomes chargeable to the Parish, such Master or Owner shall forfeit and pay ten Pounds current Money, to the Churchwardens of the Parish wherein such Offence shall be committed, to the Use of their Parish; recoverable, with Costs, by Action of Debt, in any County Court of this Colony, and moreover shall be liable to the Action of the said Churchwardens, at the common Law, for Damages.

No Contracts between Masters and Servants, unless in Court.

Servants shall have the Property of their own Effects.

Sick or lame Servants may not be discharged.

Penalty for and Damages.

VIII. *AND* that every Servant, male or female (except Convicts) not having Wages, shall, at the Expiration of his or her Time of Service, have and receive three Pounds ten Shillings current Money for Freedom Dues, to be paid by his or her Master or Owner; and in Case of Refusal, recover-

Freedom Dues.

A. D. 1753. able, with Coſts, by Petition to the County Court, in Manner herein before directed.

Who may
not have a
Chriſtian Ser-
vant.

IX. *AND be it further enacted, by the Authority aforeſaid, that no Negro, Mulatto, or Indian, although a Chriſtian, or any Jew, Moor, Mahometan, or other Infidel, ſhall at any Time purchaſe any Chriſtian Servant, nor any other, except of their own Complexion, or ſuch as by this Act are declared Slaves; and if any of the Perſons aforeſaid ſhall, nevertheless, preſume to purchaſe a Chriſtian white Servant, ſuch Servant ſhall immediately become free, and be ſo held, deemed, and taken: And if any Perſon, having ſuch Chriſtian Servant, ſhall marry with a Negro, Mulatto, Indian, Jew, Moor, Mahometan, or other Infidel, ſuch Servant ſhall thereupon become freed from all Service then due to ſuch Maſter or Miſtreſs.*

Penalty upon
dealing with a
Servant, or
Slave, without
Leave.

X. *AND that no Perſon whatſoever ſhall buy, ſell, or receive of, to, or from, any Servant or Slave, any Coin or Commodity whatſoever, without the Leave or Conſent of the Maſter or Owner of ſuch Servant or Slave; and if any Perſon ſhall preſume to deal with any Servant or Slave, without ſuch Leave or Conſent, he or ſhe ſo offending ſhall forfeit and pay to the Maſter or Owner of ſuch Servant or Slave four Times the Value of the Thing ſo bought, ſold, or received, to be recovered, with Coſts, by Action upon the Caſe, in any County Court of this Dominion, and ſhall alſo forfeit and pay the further Sum of five Pounds to any Perſon who will ſue for the ſame, to be recovered, with Coſts, by Summons and Petition, in the ſame Manner as is directed for the Recovery of Debts not exceeding five Pounds nor under twenty five Shillings current Money, in and by one Act of Aſſembly, intituled *An Act for eſtabliſhing County Courts, and regulating the Proceedings therein*, or receive on his or her bare Back thirty nine Lashes, well laid on, at the publick Whipping Poſt, but ſhall nevertheless be liable to pay the Coſts of ſuch Petition and Summons.*

Duty of Ser-
vants.

Their Punish-
ment, in Caſe
of Reſiſtance.

XI. *AND be it further enacted, by the Authority aforeſaid, that all Servants ſhall faithfully and obediently, all the whole Time of their Service, do all their Maſters or Owners juſt and lawful Commands; and if any Servant ſhall reſiſt his or her Maſter, Miſtreſs, or Overſeer, or offer Violence to any of them, ſuch Servant ſhall, for every ſuch Offence, be adjudged to ſerve his or her Maſter or Owner one whole Year after the Time by Act of Parliament, Indenture, Cuſtom, or former Order of Court, ſhall be expired.*

And where
they tranſgreſs
penal Laws.

XII. *AND that in all Caſes of penal Laws, where free Perſons are puniſhable by Fine, Servants ſhall be puniſhed by Whipping, after the Rate of twenty Lashes for every five Hundred Pounds of Tobacco, or fifty Shillings current Money, ſo that no Servant ſhall receive more than forty Lashes at one Time, unleſs ſuch Offender can procure ſome Perſon to pay the Fine.*

Rules as to
Women Ser-
vants having
Baſtard Chil-
dren.

XIII. *AND if any Woman Servant ſhall be delivered of a Baſtard Child, within the Time of her Service aforeſaid, Be it enacted, by the Authority aforeſaid, and it is hereby enacted, that in Recompenſe of the Loſs and Trouble occaſioned her Maſter or Miſtreſs thereby, ſhe ſhall, for every ſuch Offence, ſerve her ſaid Maſter or Owner one whole Year after her Time by Indenture, Cuſtom, and former Order of Court, ſhall be expired, or pay her ſaid Maſter or Owner one Thouſand Pounds of Tobacco; and the reputed Father, if free, ſhall give Security to the Churchwardens of the Pariſh where that Child ſhall be to maintain the Child, and keep the Pariſh indemnified, or be compelled thereto by Order of the County Court, upon the ſaid Churchwardens Complaint, but if a Servant, he ſhall make Satisfaction to the Pariſh for keeping the ſaid Child, after his Time by Indenture, Cuſtom, or Order of Court, to his then preſent Maſter or Owner ſhall be expired, or be compelled thereto by Order of the County Court, upon Complaint of the Churchwardens of the ſaid Pariſh for the Time*

being. And if any Woman Servant fhall be got with Child by her Mafter, neither the faid Mafter, nor his Executors, Adminiftrators, nor Affigns, fhall have any Claim of Service againft her for or by Reason of fuch Child, but ſhe fhall, when her Time due to her faid Mafter by Indenture, Custom, or Order of Court, fhall be expired, be fold by the Churchwardens for the Time being of the Parifh wherein fuch Child fhall be born, for one Year, or pay one Thouſand Pounds of Tobacco; and the faid one Thouſand Pounds of Tobacco, or whatever ſhe fhall be fold for, fhall be employed by the Veſtry, to the Uſe of the faid Parifh. And if any Woman Servant fhall have a Baſtard Child by a Negro or Mulatto, over and above the Year's Service due to her Maſter or Owner, ſhe fhall immediately, upon the Expiration of her Time, to her then preſent Maſter or Owner, pay down to the Churchwardens of the Parifh wherein fuch Child fhall be born, for the Uſe of the faid Parifh, fifteen Pounds current Money of *Virginia*, or be by them fold for five Years to the Uſe aforeſaid; and if a free Chriſtian white Woman fhall have fuch Baſtard Child by a Negro, or Mulatto, for every fuch Offence ſhe fhall, within one Month after her Delivery of fuch Baſtard Child, pay to the Churchwardens for the Time being of the Parifh wherein fuch Child fhall be born, for the Uſe of the faid Parifh, fifteen Pounds current Money of *Virginia*, or be by them fold for five Years, to the Uſe aforeſaid; (a) and in both the faid Caſes, the Churchwardens fhall bind the faid Child to be a Servant until it fhall be of thirty one Years of Age.

A. D. 1753.

XIV. AND for a further Prevention of that abominable Mixture, and ſpurious Iſſue, which hereafter may increaſe in this his Maſteſty's Colony and Dominion, as well by *Engliſh*, and other white Men and Women, intermarrying with Negroes or Mulattoes, as by their unlawful Coition with them, *Be it enacted, by the Authority aforeſaid, and it is hereby enacted*, that whatſoever *Engliſh*, or other white Man or Woman, being free, fhall intermarry with a Negro or Mulatto Man or Woman, bond or free, fhall, by Judgment of the County Court, be committed to Priſon, and there remain during the Space of fix Months, without Bail or Mainprize, and fhall forfeit and pay ten Pounds current Money of *Virginia*, to the Uſe of the Parifh as aforeſaid.

No White to intermarry with a Black, &c.

XV. AND *be it further enacted*, that no Miniſter of the Church of *Eng-land*, or other Miniſter or Perſon whatſoever, within this Colony and Dominion, fhall hereafter wittingly preſume to marry a white Man with a Negro or Mulatto Woman, or to marry a white Woman with a Negro or Mulatto Man, upon Pain of forfeiting and paying for every fuch Marriage the Sum of ten Thouſand Pounds of Tobacco, one Half to our Sovereign Lord the King, his Heirs and Succeſſours, for and towards the Support of the Government and the contingent Charges thereof, and the other Half to the Informer; to be recovered, with Coſts, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this his Maſteſty's Colony and Dominion, wherein no Eſſoin, Protection, or Wager of Law, fhall be allowed.

Penalty on Miniſter marrying a White and Black.

XVI. AND to the End poor People may not be deſtitute of Employment, under Suſpicion of their being Servants, as well as to prevent Servants running away, *It is hereby further enacted*, that every Servant, upon Expiration of his or her Time, and Proof thereof made before the Court of the County where he or ſhe laſt ſerved, fhall have his or her Freedom recorded, and a Certificate thereof under the Hand of the Clerk, which fhall be ſufficient to indemnify any Perſon for entertaining or hiring fuch Servant; and if fuch Certificate fhall happen to be torn, or loſt, the Clerk, upon Requeſt, fhall iſſue another, reciting therein the Loſs of the former. And if any Perſon fhall harbour or entertain a Servant, not having and producing fuch Certificate, he or ſhe fhall pay to the Maſter or Owner of fuch Servant thirty Pounds of Tobacco for every natural Day he or ſhe ſhall

Servants when free ſhall have a Certificate.

Penalty on harb'ring Servants without Certificate.

(a) 5 Geo. 3. (1765) Cap. 7. Sect. 3 and 4. amends this Part of the Law.

A. D. 1753.

Punishment of
Servants using a
forged or stolen
Certificate.

And on Per-
sons forging.

Rewards for
taking up
Runaways.

(a) By 5
Geo. 3 (1765)
Cap. 8. Method
of taking up,
and proceed-
ing, with Run-
aways, altered.

The Method
of proceeding
with them.

Constables
Duty.

Runaway not
declaring the
Name of his
Owner, shall
be committed.

Proceedings
thereupon.

to harbour or entertain such Runaway; recoverable, with Costs, by Action of Debt, in any County Court of this Dominion. And if any Runaway shall make Use of a forged Certificate, or after Delivery of a true Certificate to the Person hiring him or her shall steal the same, and thereby procure other Entertainment, the Person entertaining or hiring shall not be liable to the said Penalty, but such Runaway, besides making Reparation for Loss of Time and Charges of Recovery, in the Manner herein after directed, shall stand two Hours in the Pillory, on a Court Day, for making Use of such forged or stolen Certificate; and the Person forging the same shall forfeit and pay ten Pounds current Money, one Moiety to the King, his Heirs and Successors, for the better Support of this Government and the contingent Charges thereof, the other Moiety to the Owner of such Runaway, or the Informer, recoverable, with Costs, in any County Court of this Dominion; and on Failure of present Payment, or Security for the same within six Months, such Offender shall receive thirty nine Lashes on his or her bare Back, well laid on, at the common Whipping Post. And where a Runaway shall happen to be hired upon a forged Certificate, and afterwards denies the Delivery thereof, the *Onus Probandi* shall lie upon the Party hiring such Runaway.

XVII. AND to encourage all Persons to take up Runaways, (a) *Be it further enacted, by the Authority aforesaid*, that for every Runaway Servant or Slave taken up ten Miles, or more, from his or her usual Place of Abode, the taker up shall be entitled to a Reward of two Hundred Pounds of Tobacco, but if under ten, and above five Miles, one Hundred Pounds of Tobacco, which shall be paid by the Publick, in the County where such taker up resides, and be levied by the Publick upon the Master or Owner of the Runaway; but the taker up shall forthwith bring such Runaway before a Justice of Peace of the County where he or she shall be taken, to be examined, and if thereupon such Servant or Slave appears to be run away, the Justice shall grant the taker up a Certificate, reciting his or her proper Name and Surname, the County of his or her Residence, the Name of the Runaway, the proper Name and Surname of his or her Owner, and the County wherein he or she resides, the Time and Place when and where the Runaway was taken, and the Distance of Miles, in the Judgment of the Justice, from the House or Quarter where the Runaway was usually kept, and such Justice shall also issue his Warrant to the next Constable, requiring him to receive such Runaway, and give him or her such a Number of Lashes as the said Justice shall think fit to direct, not exceeding thirty nine, and then him or her to convey and deliver to the next Constable, and so from Constable to Constable, until the Runaway be delivered to his or her Owner or Overseer. And every Constable to whom such Runaway and Warrant shall be produced shall execute the same, and give a Receipt upon the Delivery of the Runaway to him, under Penalty of forfeiting and paying two Hundred Pounds of Tobacco, to the Churchwardens of the Parish wherein such Constable lives, recoverable, with Costs, by Action of Debt, in any County Court, to the Use of such Parish; but the corporal Punishment herein before directed to be given to Runaways shall not deprive the Master or Owner of any Servant from the Satisfaction by this Act required to be made by Servants for running away.

XVIII. *AND be it further enacted, by the Authority aforesaid*, that every Negro, or other Person, taken up and brought before a Justice of Peace, and who cannot, or will not, declare the Name of his or her Owner, shall be committed to the Gaol of the County where taken, by Warrant under the Hand of such Justice, and the Sheriff or Gaoler to whose Custody such Runaway shall be committed shall forthwith cause Notice thereof, and a Description of such Runaway, and his or her Clothing, to be publickly affixed at the Door of the Courthouse, and there continued two Months, if no Owner appears within that Time, and shall also send a Copy thereof to the Clerk or Reader of every Church within his County, to be by him published, and affixed in some open and conve-

nient Place near his Church, every *Sunday* during two Months after the Date thereof, unless the Owner appear sooner, under Penalty of five Hundred Pounds of Tobacco on every Sheriff or Gaoler, and two Hundred Pounds of Tobacco on every Clerk or Reader failing, one Moiety to the King, his Heirs and Successors, for the better Support of this Government and the contingent Charges thereof, the other Moiety to the Informer, recoverable, with Costs, by Action of Debt or Information, in any County Court; but such Runaway shall be delivered to his or her Owner when demanded, he or she satisfying the Sheriff's Fees, and also two Hundred Pounds of Tobacco, or twenty Shillings, for the taking up. And that if within two Months after such Commitment no Owner appears or claims, the Sheriff shall deliver such Runaway to the next Constable, to be conveyed from one Constable to another, till brought to the publick Gaol of this Colony, and delivered to the Keeper thereof, by such Warrant, and to receive such Punishment as is herein before directed; and the said Keeper is hereby required to receive such Runaway into his safe Custody, and give a Receipt, and shall also publish an Advertisement, and a Description of the Person and Clothes, in the *Virginia Gazette*, and continue the same three Months, if no Owner appears. And it shall be lawful for the said Keeper, upon Application to the nearest County Court to the said Gaol, with Consent of the said Court, to let such Runaway to hire, to any Person by them approved of, for Money or Tobacco, and for such Term as shall be by them directed, and out of the Hire arising thereby all Charges for taking up, Imprisonment, conveying to Gaol, maintaining, and releasing such Runaway, shall be first paid, and the Overplus disposed of as such Court shall direct; but the said Keeper shall cause a strong Iron Collar, with the Letters P G stamped thereon, to be put on the Neck of every Runaway so hired out, at the Time of delivering him or her to the Person hiring, which shall indemnify him from any Escape afterwards; and for every Runaway so hired out the Keeper of the said publick Gaol shall be allowed one Fee for Commitment, and the same for Releasement, and no more. And if any such Runaway shall happen to die in Gaol, the Reward for taking up, and all other Fees incident, shall be defrayed by the Publick. Provided always, that when the Owner of such Runaway shall demand him or her, the Person to whom he or she was hired shall forthwith deliver the same into the Custody of the Keeper of the publick Gaol, and shall then also pay the Hire, in Proportion to the Time the Runaway hath served; and if that be not sufficient to satisfy all Charges, the Owner paying down the Residue shall have him or her delivered.

A. D. 1733.

XIX. BUT whereas the Continuance of Runaway Slaves some Time in the publick Gaol may induce dishonest Persons to pretend themselves Owners, and thereby obtain Possession to the Prejudice of the true Owner, *Be it therefore enacted, by the Authority aforesaid,* that before any such Slave shall be delivered by the Keeper of the publick Gaol, the Person claiming such Slave shall first apply to the Court of the County where he resides, and make Proof of his having lost a Slave answering the Description published by the said Keeper in the Gazette, and obtain Certificate thereof, and also there give Security to answer all Damages, if it shall thereafter appear that the Slave he shall thereupon receive from the said Keeper doth really belong to some other Person; and on producing such Certificate to the Keeper aforesaid, and making Oath before the Mayor, or some other Magistrate of *Williamsburg*, that the Slave who shall be there present is his, or the Slave of _____ for whom he appears, it shall be lawful for the said Keeper to deliver the Slave so described and sworn to, and not otherwise.

Owner claiming a Runaway Slave in the publick Gaol must prove his Property.

XX. AND if no Owner shall appear to claim such Runaway, the County Court shall, after the Charges aforesaid are paid and satisfied, cause such Runaway to be sold at publick Auction, by the Sheriff, and the Money arising by the Sale shall be paid to the Treasurer of this Colony, and applied by him for the Use of the Publick; but in Case the Owner shall, at any Time afterwards, prove

Where no Owner appears.

A. D. 1753.

his Property in the faid Runaway, the faid Treasurer fhall repay him or her the Money fo received, and be allowed the fame in his Account.

Where Run-
aways have
crossed the Bay.

XXI. AND that when any Runaway fhall have crossed the Bay of *Chefapeake*, and be brought before a Juftice of any County lying upon the faid Bay, fuch Runaway fhall be committed to the Sheriff, and not to a Conftable; but if he or fhe, after crossing the Bay, fhall get up into fome other County more remote, in fuch Cafe the Runaway fhall be committed to a Conftable, and fo from Conftable to Conftable, till delivered to the Sheriff of fome County adjoining to the Bay aforefaid. And every fuch Sheriff is hereby required to receive the Runaway fo to him committed, and fhall forthwith caufe him or her to be transported again acrofs the Bay, and delivered to a Conftable there, to be conveyed as is herein before directed; and for his Trouble and Charge herein fuch Sheriff fhall have and receive five Hundred Pounds of Tobacco for every Runaway fo transported and delivered, to be paid by the Publick, and repaid by the Owner of the Runaway. And if any Sheriff, or his Officer, fhall caufe or fuffer fuch Runaway to work, fo as to occafion any Delay, fuch Sheriff or Officer fhall forfeit and pay one Thoufand Pounds of Tobacco to the Owner of the Runaway; recoverable, with Cofts, by Action of Debt or Information, in any County Court of this Dominion.

Where they
belong to
Maryland or
Carolina.

XXII. AND where a Runaway belonging to an Inhabitant of *Maryland* or *Carolina* fhall be taken and brought before a Juftice, fuch Runaway fhall be by him committed to the Gaol of the County where taken, and the Sheriff or Gaoler fhall caufe Advertisements to be published in the fame Manner, and for the fame Time, as is herein before directed to be done by the Keeper of the publick Gaol, and if no Owner appears may, with Consent and Approbation of his County Court, hire out fuch Runaway, and fhall pay the Reward for taking up, which fhall be reimbursed out of the Hire, or by the Owner, together with all other Charges, if the Hire be not fufficient; and all Money or Tobacco arifing by fuch Hire of the Runaway, till claimed by his or her Owner, fhall be to the Ufe of fuch Sheriff or Gaoler, and he may demand and take of the Owner the like Fees and Charges as are or fhall be then demandable of the Inhabitants of *Virginia* for Runaways taken up in the Province where fuch Owner refides.

Officers may
impress Affift-
ants, and liable
for Escapes.

XXIII. AND be it further enacted, by the Authority aforefaid, that every Sheriff, Conftable, or other Officer, charged with conducting Runaways, fhall be and is hereby empowered to impress Men and Horfes, where neceffary, for the fafe conveying the Perfon or Perfons wherewith he ftands charged; and if fuch Officer fhall fuffer fuch Runaway to efcape, he fhall be liable to the Party grieved for Recovery of Damages and Cofts at the common Law.

Prifon Fees.

XXIV. AND that the Keeper of the publick Gaol may demand and take, for the Commitment of every Runaway, two Shillings current Money, or twenty Pounds of Tobacco, and the fame for Releafement, and for every twenty four Hours keeping him or her in Gaol Sixpence, or five Pounds of Tobacco, and no more; and if he, or any Sheriff or Gaoler, fhall demand and take any other or greater Fee than is or fhall be by Law allowed for Runaways, he or they fo offending fhall, for every fuch Offence, forfeit and pay twenty Shillings to the Party grieved, and fhall alfo refund and pay back all Money or Tobacco received over and above the legal Fees, recoverable, with Cofts, before any Juftice of Peace of the County where fuch Offence fhall be committed.

Runaway Ser-
vants to repay
all Charges and
Loft of Time.

XXV. AND that every Runaway Servant, upon whose Account any Reward fhall be paid for taking up, fhall ferve his or her Mafter or Owner, after all other Time of Service due fhall be expired, one Month and a Half for every Hundred Pounds of Tobacco fo paid or to be paid, and for all neceffary Difburfements and Charges expended in Purfuit and Recovery of fuch Runaway,

and moreover fhall ferve double the Time of his or her Abfence, to be adjudged and allowed by the Court of the County where the Owner refides, or where the Runaway is kept, at the next Court held after his or * her Recovery, he or ſhe being alfo brought before them; but if the Owner neglects fo to do, the Court may allow or reject ſuch Claim, as to them appears juſt, without any Appeal: Provided always, that if any Servant, at the Time of ſuch Judgment, ſhall repay, or give good Security before the Court for Repayment of, all Charges and Diſburſements within fix Months after, the Maſter or Owner ſhall accept thereof, in Lieu of Service.

A. D. 1753.

* Her not in the Roll.

XXVI. AND whereas many Abufes have been committed by Perſons who, under Pretence of underſtanding Trades and Myſteries, have procured large Sums of Money to be advanced to them, and entered into Covenants with Merchants and others in *Great Britain*, or elſewhere, for the Payment of yearly Wages, though they were really ignorant of, and unable to perform, ſuch Trades or Myſteries: *Be it therefore further enacted, by the Authority aforeſaid,* that all and every Perſon or Perſons already imported, or who ſhall be imported, into this Colony, as a Tradeſman or Workman on Wages, and ſhall be found not to underſtand ſuch Trade or Employment, may be brought by his or her Maſter or Owner before any County Court of this Colony, who are hereby empowered and directed, upon Complaint of ſuch Deceit to them made, to inquire into the ſame, and upon finding any ſuch Fraud may order and direct ſuch Satisfaction to be made to the Maſter or Owner of ſuch Servant, either by Defalcation of the Wages, or Part thereof, or by ſuch further Time of Service for the Money advanced, as to them ſhall ſeem juſt; and that if any ſuch Tradeſman or Workman on Wages ſhall reſuſe or neglect to perform his Duty, or abſent himſelf from his Maſter's Service without Leave, the Juſtices of the County Court wherein ſuch Maſter refides, upon Complaint and Proof to them made, may order ſuch Satisfaction to be made to ſuch Maſter or Owner as to them ſhall ſeem juſt; and that for every Day's Abſence ſuch Servant ſhall ſerve two Days, without Wages, after his Time by Indenture, or former Order of Court, is expired.

Remedy againſt Servants imported as Tradeſmen, or Mechanics, upon Wages, and found ignorant.

Or where they reſuſe to work, or abſent themſelves.

XXVII. *AND be it further enacted, by the Authority aforeſaid,* that every Perſon who at any Time or Times hereafter ſhall be bound by Indenture to ſerve as an Apprentice in any Trade, Art, Myſtery, or Occupation, with the Conſent and Approbation of any Court of Record within this Colony, although ſuch Perſon be within the Age of twenty one Years at the Time of making his Indenture, ſhall be obliged to ſerve the full Time in ſuch Indenture contained, as amply and largely, to every Intent, as if ſuch Apprentice were of full Age at the Time of making the ſame.

Apprentices ſhall ſerve out their full Time.

XXVIII. *AND be it further enacted, by the Authority aforeſaid,* that if any Perſon or Perſons ſhall ſteal any Negro, Mulatto, or *Indian* Slave whatſoever, out of or from the Poſſeſſion of the Owner or Overſeer of ſuch Slave, the Perſon or Perſons ſo offending ſhall be and are hereby declared to be Felons, and ſhall ſuffer Death without Benefit of Clergy.

Stealing Slaves Felony without Clergy.

XXIX. *AND be it further enacted, by the Authority aforeſaid,* that all and every other Act and Acts, Clause and Clauſes, heretofore made for or concerning any Matter or Thing within the Purview of this Act, ſhall be and are hereby repealed.

Repealing Clause.

A. D. 1753.

C H A P. III.

An Act for allowing the Inhabitants of the Counties of Halifax, Hampshire, and Bedford, to discharge their publick Dues, and Officers Fees, in Money, instead of Tobacco.

I. **F**OR the more easy Payment of all Levies, Secretaries, Clerks, and other Officers Fees, by the Inhabitants of the Counties of *Halifax, Bedford, and Hampshire*, who make little or no Tobacco,

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that the said Levies and Fees may be paid in Money for Tobacco, to wit:

* For not in the Roll.

* For the Counties of *Halifax and Bedford*, at twelve Shillings and Sixpence per Hundred on the nett Tobacco; and for the County of *Hampshire*, on the gross Tobacco, three Farthings per Pound, without any Deduction, in the same Manner as the Inhabitants of the Counties of *Frederick and Augusta* are now by Law empowered to do.

C H A P. IV.

An Act for appointing several new Ferries. (a)

I. **B**E it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that publick Ferries be constantly kept at the Places hereafter mentioned, and that the Rates for passing the said Ferries be as follows, that is to say: On *James River*, from *Four Mile Creek Warehouse Landing*, on the Land of *Charles Woodson*, in the County of *Henrico*, to the Neck of Land belonging to *Tarleton Woodson*, in the County of *Chesterfield*, and from the said *Tarleton Woodson's* to the said *Charles Woodson's*, for a Man fourpence, and for a Horse fourpence; and from the Land of *Charles Ellis*, in the County of *Henrico*, to the Land of *Daniel Weldon*, in the County of *Chesterfield*, and from the said *Weldon's* to the said *Ellis's*, for a Man threepence, and for a Horse threepence; on the *Fluvanna River*, from the Land of *Nicholas Davis*, at or near the Mouth of the double Creeks, to his Land opposite thereto, called *Salopian Point*, in the County of *Albemarle*, for a Man threepence, and for a Horse threepence; on *Staunton River*, from the Land of *Robert Wade*, in the County of *Halifax*, to the Land opposite thereto, in the County of *Lunenburg*, for a Man threepence, and for a Horse threepence; on *Bennet's Creek*, in the County of *Nansemond*, from *Benjamin Bascombe's*, to the Land of *James Buckston*, and from the said *Buckston's* to the said *Bascombe's*, for a Man fourpence, and for a Horse fourpence; on the Western Branch in *Nansemond County*, from *Jeremiah Godwin's* to the Land of *James Benn*, and from the said *Benn's* to the said *Godwin's*, for a Man fourpence, and for a Horse fourpence; on *Rockfish River*, in the County of *Albemarle*, from the Land of *Thomas Joplin* across the said River, for a Man threepence, and for a Horse threepence; on *Patowmack River*, from the Land now in Possession of *John Posey*, in the County of *Fairfax*, across the said River, to the Land of *Thomas Marshall* in *Maryland*, for a Man one Shilling, and for a Horse one Shilling; on *James River*, from the Land now in Possession of *Lewis Delany*, in the County of *Surry*, across the said River, to the Land of *John Edloe the elder*, and from the said *John Edloe's* to the Land in Possession of the said *Lewis Delany*, for a Man sevenpence Halfpenny, and for a Horse seven-

(a) See 22 Geo. 2. (1748) Cap. 11. with Notes subjoined.

pence Halfpenny; and for the Transportation of Wheel Carriages, Tobacco, Cattle, and other Beasts, at any of the Places aforefaid, the Ferrykeeper may demand and take the Rates following, that is to fay: For every Coach, Chariot, or Waggon, and the Driver thereof, the fame as for fix Horfes; for every Cart, or four Wheel Chaise, and the Driver of fuch Chaise, as for four Horfes; for every two Wheel Chaise, or Chair, as for two Horfes; for every Hoghead of Tobacco, as for one Horfe; for every Head of neat Cattle, as for one Horfe; for every Sheep, Goat, or Lamb, one fifth Part of the Ferriage of one Horfe; for every Hog, one fourth of the Ferriage of one Horfe; according to the Prices herein before fettled at fuch Ferry refpectively, and no more.

A. D. 1753.

II. *AND be it further enacted, by the Authority aforefaid, that it fhall and may be lawful for the faid Tarlton Woodfon, and every other Perfon who fhall be in Poffeffion of the Neck of Land in the County of Chefterfield aforefaid, to erect and keep a Gate on the Road going through the faid Neck of Land to the Ferry to be kept from thence, any Law or Custom to the contrary notwithstanding.*

C H A P. V.

An Act for clearing Mattapony River. (a)

I. **W**HEREAS the upper Part of the River *Mattapony* is ufelefs to the Inhabitants of this Colony, by Means of Fish Hedges and other Obstructions therein: For Remedy whereof,

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgefles, of this prefent General Affembly, and it is hereby enacted, by the Authority of the fame, that the Honourable Richard Corbin, Efquire, John Robinson, Efquire, Lunsford Lomax, Edmund Pendleton, Thomas Turner, Henry Robinson, John Bailor, and Thomas Johnson, Gentlemen, be and are hereby appointed Trustees, and they, or any four of them, are authorized, empowered, and directed, to take and receive Subfcriptions, and to contract with any Perfon or Perfons for clearing the faid River Mattapony, who fhall have full Power and Authority to remove all Stops which they, or the faid Trustees, fhall think in any Wife obftruct the Navigation of the fame, as high as Burk's Bridge, in the County of Caroline.*

III. *AND be it further enacted, by the Authority aforefaid, that the Charge of taking up and destroying any Hedges and Stone Stops, or any Part of them, that fhall be ftanding or remaining in the faid River Mattapony on the laft Day of July next, or at any Time thereafter, fhall be repaid to the faid Trustees, by the Perfon or Perfons to whole Lands the faid Hedges or Stops fhall be adjacent or neareft to; and the faid Perfon or Perfons permitting them to remain as aforefaid fhall moreover be liable to the Penalties impofed by the Act of General Affembly made in the twenty fecond Year of the Reign of his prefent Majefty, intituled *An Act for clearing Rivers and Creeks.**

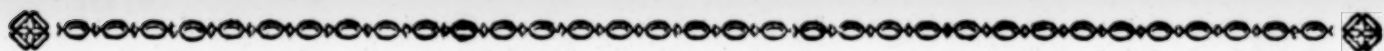
IV. *AND be it further enacted, that it fhall and may be lawful for the faid Trustees, or any Perfon or Perfons employed by them in Execution of this Act, to pafs through, or go on Shore upon, the Lands of any Perfon whatfoever, without being fubject to an Action of Trefpafs for the fame; and if any Suit fhall be commenced for any Thing done in Purfuance of this Act, the Perfon or Perfons fued may plead the general Ifsue, and give this Act in Evidence, and every Court before whom fuch Suit fhall be profecuted, where a Verdict fhall be*

(a) See 22 Geo. 2. (1748) Cap. 23. with Notes fubjoined.

A. D. 1753. found for the Defendant, or the Plaintiff fhall be nonfuit, fhall award Judgment for fuch Defendant, and treble Cofts.

V. *AND be it further enacted, by the Authority aforefaid, that it fhall be lawful for the faid Trustees, or Persons employed by them, to cut or take off the Lands of any Perfon adjacent to the faid River fuch and fo much Timber as fhall be neceffary for the Purpofes of this Act, and the fame fhall be viewed and valued, as is directed by an Act made in the twenty fecond Year of his Majefty's Reign, intituled *An Act concerning Highways, Mill Dams, and Bridges*, and fhall be paid for by the faid Trustees.*

VI. *AND be it further enacted, that in Cafe of the Death, Removal out of the Country, or other legal Difability, of any one or more of the Trustees before named, it fhall be lawful for the furviving or remaining Trustees, or any four of them, from Time to Time to elect and choofe fo many other Persons in the Room of thofe fo dead or removed as fhall make up the Number of eight, which Trustees fo chofen fhall be vefted with the fame Power as any other in this Act particularly named.*



A. D. 1754.

ROBERT
DINWIDDIE,
Esq; Govern-
nor.

At a GENERAL ASSEMBLY begun and held at the COLLEGE, in the City of *Williamsburg*, on *Thursday* the twenty feventh Day of *February*, in the twenty fifth Year of the Reign of our Sovereign Lord GEORGE II. by the Grace of GOD of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord 1752, and from thence continued, by feveral Prorogations, to *Thursday* the fourteenth Day of *February*, in the twenty feventh Year of his Majefty's Reign, and in the Year of our Lord 1754, and then held at the CAPITOL, in the City of *Williamsburg*, being the third Seflion of this Affembly.

C H A P. I.

An Act for the Encouragement and Protèction of the Settlers upon the Waters of the Miffiffippi.

Preamble.

I. **W**HEREAS many of his Majefty's faithful Subjects have been encouraged, by the Acts of the General Affembly heretofore made, to fettle and inhabit on his Lands in this Colony, in and near the Waters of the River *Miffiffippi*, and it hath been represented to this prefent General Affembly that the Subjects of the *French* King, and by their Infigation the *Indians* in Alliance with them, have encroached on his Majefty's faid Lands, murdered fome of his Subjects, and taken others captive, and fpouled them of their Goods and

Effects, and are endeavouring to seduce the *Indians* in Friendship with us; and this General Assembly, considering the present Exigency, the low Circumstances of the Treasury, and that the Funds already appropriated by Law are not sufficient to protect his Majesty's Subjects from the like Cruelties and Depredations, but willing to testify our Zeal for his Majesty's Service and the Interest of this Country, and to prevent such Mischiefs for the future, are desirous that it may be enacted, and

A. D. 1754.

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that the Treasurer of this Colony shall, and he is hereby empowered and required, to borrow a Sum of Money, not exceeding ten Thousand Pounds, or so much thereof as shall be found necessary and expedient, at an Interest of six *per Centum*, and that the Honourable *William Nelson, Thomas Nelson, Philip Grymes, and Peter Randolph*, Esquires, *John Robinson*, Esquire, *Charles Carter, Carter Burwell, Benjamin Waller, Richard Bland, James Power, William Digges, Dudley Digges, John Page, and John Chiswell*, Gentlemen, or any nine of them, shall, from Time to Time, with the Consent and Approbation of the Governour, or Commander in Chief for the Time being, direct and appoint how the said Money shall be applied towards the protecting and defending his Majesty's Subjects who now are settled, or hereafter shall settle, on the Waters of the River *Mississippi*; and that the said Directors shall, as often as there shall be Occasion of Money for the Uses aforesaid, apply themselves to the Governour, or Commander in Chief for the Time being, to issue out his Warrant to the said Treasurer to pay so much Money as shall be wanting for the Purposes aforesaid, who is hereby required to pay the same accordingly. And the said Directors shall keep an Account of their Proceedings, and of the several particular Services for which they shall appoint the same Money to be laid out in Pursuance of this Act, and lay the same before the General Assembly when thereto required. And for raising a Fund to repay the Money to be so borrowed as aforesaid, and Interest,

Treasurer empowered to borrow Money at six *per Cent*.

Directors appointed.

(a) III. *BE it further enacted, by the Authority aforesaid, that from and after the passing of this Act there shall be levied and paid to our Sovereign Lord the King, his Heirs and Successors, for all Slaves imported or brought into this Colony and Dominion for Sale, either by Land or Water, from any Part or Place whatsoever, by the Buyer or Purchaser, after the Rate of five *per Centum* on the Amount of each respective Purchase, over and above the Duty already laid upon Slaves imported as aforesaid, which said additional Duty shall be paid, collected, and accounted for, in such Manner and Form, and according to such Rules, and under such Penalties and Forfeitures, as are mentioned, prescribed, and appointed, for the paying, collecting, and accounting for the Duty already raised and imposed upon Slaves imported, by the several Acts of Assembly now in Force, and made for that Purpose; and that every Article, Rule, and Clause, contained in the said Acts, concerning the paying, collecting, and accounting for the said former Duty, shall be used, exercised, and put in Practice, for paying, collecting, and accounting for the said Duty hereby imposed, as if the same Articles, Rules, and Clauses, were inserted in this Act. And moreover, the Duty of twenty Shillings for every Coach, Chariot, and other four wheeled Carriage (Waggons excepted) and ten Shillings for every Chair and two wheeled Chaise, by the Owner or Proprietor thereof; and that every such Owner or Proprietor, some Time before the tenth Day of *April*, yearly, shall deliver a List of each and every such Carriage to the Clerk of the Court of the County wherein the Owner shall reside, under the like Penalty, and to be recovered in the same Manner, as is directed by the Act of General Assembly in the Case of concealing Tithables, which Clerk shall forthwith transmit a Copy of such List to the Treasurer, and deliver another Copy thereof to the Sheriff of the County, which Duty shall be*

Additional Duty on Slaves imported.

Continued by 3. Geo. 3. (1763) Cap. 1. Sect. 3. for five Years from the 14th of Feb. 1765.

On Wheel Carriages.

(a) See 25. Geo. 2. (1752) Cap. 1. imposing the first Duty of five *per Cent*.

A. D. 1754.

On Ordinary
Licenfes.On Procefs at
Law.

by fuch Sheriff collected, levied, and accounted for, and paid to the Treafurer, in the fame Manner as the Duties above mentioned; and alfo the further Duty of twenty Shillings for every Ordinary Licenfe, to be paid down by the Perfon obtaining the fame, to the Clerk of the Court where fuch Licenfe fhall be granted; and two Shillings and Sixpence for every original Writ in any Action or Suit at common Law, and Subpœna in Chancery, in the General Court, for every Summons on a Petition for lapsed Lands, and for every Caveat entered in the Secretary's Office; and one Shilling and threepence for every fuch Writ or Subpœna in the County, or other inferiour Court, to be paid down by the Plaintiff in fuch Suit, to the Clerk of fuch Court, before fuch Writ, Subpœna, or Summons, fhall be iffued, or Caveat entered, but not taxed in the Bill of Cofts; and, together with the Duties upon Ordinary Licenfes, accounted for upon Oath, and paid by fuch Clerk, to the faid Treafurer, in the Months of *April* and *October* yearly, deducting after the Rate of five *per Centum* for his Trouble in receiving, accounting for, and paying the fame: And if any fuch Clerk fhall neglect or refufe to account for, and pay, the faid Duties by him received, according to the Directions of this Act, it fhall be lawful for the General Court, or the Court whereof he is Clerk, upon a Motion to them made by the Treafurer, to give Judgment againft fuch Clerk for all the faid Duties fo by him received, and thereon to award Execution.

Proviso.

IV. *PROVIDED*, that ten Days previous Notice be given of fuch Motion.

Duties to re-
main as a Se-
curity for Pay-
ment of the
Money borrow-
ed.

V. *AND* for encouraging Perfons to lend Money on this Occafion, *Be it further enacted, by the Authority aforefaid*, that the Revenues or Duties arifing by the Importation of Liquors and Slaves, and all the other Duties impofed by this Act, fhall, and are hereby declared to ftand, be, and remain, as a Security for the Payment of the Money fo to be borrowed as aforefaid; and the Treafurer is hereby required to repay the Money fo to be borrowed, with Intereft, out of the firft publick Monies that fhall come to his Hands, either by Receipt of the Duties aforefaid, or otherwife.

Continuation
of this Act.

VI. *AND be it further enacted, by the Authority aforefaid*, that this Act, as to fo much thereof as relates to the raifing and impofing the Duties, and collecting and paying the fame, fhall continue and be in Force for and during the Term of three Years, and no longer.

A. D. 1755.

At a GENERAL ASSEMBLY begun and held at the College, in the City of *Williamsburg*, on *Thursday* the 27th Day of *February*, in the 25th Year of the Reign of our Sovereign Lord GEORGE II. by the Grace of GOD of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord 1752, and from thence continued, by several Prorogations, to *Thursday* the 1st Day of *May*, in the 28th Year of his Majesty's Reign, and in the Year of our Lord 1755, and then held at the Capitol, in the City of *Williamsburg*, being the fixth Session of this Assembly.

ROBERT
DINWIDDIE,
Esq; Governour.

C H A P. I.

An Act for employing and better maintaining the Poor. (a)

I. **W**HEREAS the Number of poor People hath of late Years much increased throughout this Colony, and it will be the most proper Method for their Maintenance, and for the Prevention of great Mischiefs arising from such Numbers of unemployed Poor, to provide Houses for their Reception and Employment,

Preamble

II. *BE it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that it shall and may be lawful for the Vestry of every Parish in this Colony to order, and cause to be erected, purchased, or hired, one or more House or Houses within their Parish, for the lodging, maintaining, and employing, of all such poor People as shall be upon the Parish, or who shall desire Relief from the Vestry or Churchwardens, and to employ all such poor Persons in such Works as shall be directed by the said Vestry or Churchwardens, and to take and apply the Benefit of their Labour for and towards their Maintenance and Support, and to provide Cotton, Hemp, Flax, or any other necessary Materials, Implements, or Things, for setting the said Poor to work; and where any Parish shall be too small to purchase, erect, or hire, such House or Houses, it shall and may be lawful for the Vestries of any two or more of such Parishes lying, adjoining, or convenient to each other, to unite in purchasing, erecting, or hiring, such House or Houses, for the Reception and Employment of the Poor of their respective Parishes: And the said Vestry, or Vestries, shall have Power to purchase or rent a Tract of Land whereon the said House or Houses shall stand or be erected, or convenient thereto, not exceeding one Hundred Acres, for the Use of the said Poor, and to levy a reasonable Allowance in their*

Vestry to cause
a Workhouse to
be built, and
have Power to
purchase or rent
a Tract of Land
whereon such
Houses shall
stand.

(a) See 22. Geo. 2 (1748) Cap. 13. with the Notes subjoined.

A. D. 1755.

Parish Levies for the Education of such poor Children as shall be placed in the said House or Houses, until they shall be bound out according to Law.

Proviso.

III. *PROVIDED* always, that no poor Person shall gain or acquire a Settlement, so as to become chargeable to the Parish whither he or she shall be removed or placed by Virtue of this Act, but shall be deemed a Resident, and to belong to the Parish from whence he or she was removed.

Churchwardens Power to send Beggars to such Work-houses.

IV. *AND* be it further enacted, by the Authority aforesaid, that the Churchwardens of every Parish, or any one of them, shall have Power and Authority to order the Constables in their Parish, or such other Officer as they shall appoint for that Purpose, to convey all and every Person and Persons who shall be found begging in their Parish to the House or Houses so to be provided for the Reception of the Poor, there to be employed for the Space of twenty Days, or a less Time, in such Works and Labours as the said Churchwardens, or either of them, shall adjudge them able to perform, and to apply the Profits of such Beggar's Labour towards his or her Maintenance.

Vestry's Power to ordain Rules relating to the Poor sent to such Workhouses.

V. *AND* be it further enacted, by the Authority aforesaid, that the Vestry of every Parish wherein any House, or Houses, for the Reception of the Poor, shall be, shall have Power and Authority to make and ordain proper Rules and Orders for and concerning the Work, Employment, and Correction, of such poor Persons as shall be placed or sent there pursuant to this Act, and to contract with and appoint one or more fit Person or Persons to keep the said House or Houses, and to oversee the Poor belonging or sent to such House or Houses, which Person or Persons so to be appointed shall have full Power to set all such poor Persons as shall be placed or sent there to Work and Labour, according to their several Abilities, and the Rules and Orders of the Vestry and Churchwardens, and to inflict corporal Punishment on such Persons under his or their Care and Management who will not conform themselves to the said Rules and Orders, or who shall behave refractorily, not exceeding ten Lashes at one Time, or for one Offence; and the Person or Persons so to be appointed shall annually, at the laying of the Parish Levy, or when thereto required, render a true Account to the Vestry of the Poor under his or their Care, and of the Profits arising from their Labour, and how the same have been disposed of, and moreover shall be liable to be displaced by the Vestry when they shall think fit.

Poor refusing to continue at any House appointed in Pursuance of this Act.

VI. *AND* be it further enacted, by the Authority aforesaid, that if any poor Person shall refuse to be placed, or to continue, at any House or Houses, to be appointed for the Reception of the Poor in Pursuance of this Act, he or she so refusing shall in no Wise be entitled to ask, demand, or receive, any Relief, or Sum or Sums of Money, or Tobacco, from the Vestry or Churchwardens of his or her Parish, except the Vestry or Churchwardens, by Reason of his or her Sicknes, or old Age, shall adjudge them incapable of Labour, and order otherwise.

Churchwardens to keep a Register of the Poor.

VII. *AND* be it further enacted, by the Authority aforesaid, that the Churchwardens of every Parish shall keep a Book wherein the Names of all Persons who receive Relief from the Parish shall be registered, with the Time they were admitted on the Parish, and the Occasion of such Admittance; which Book shall be by them produced to the Vestry at the laying of the Parish Levy, or as often as the said Vestry shall think convenient, and the Names of such poor Persons shall be called over, and the Reasons of their receiving Relief examined, and such of the said Poor shall then be continued on the Parish, or discharged therefrom, as the said Vestry shall direct. And that the Poor of every Parish may be the better known,

A. D. 1755.

VIII. *BE it further enacted, by the Authority aforeſaid, that every Perſon who ſhall receive Relief from the Pariſh, and be ſent to the ſaid Houſe or Houſes, ſhall, upon the Shoulder of the right Sleeve of his or her uppermoſt Garment, in an open and viſible Manner, wear a Badge, with the Name of the Pariſh to which he or ſhe belongs, cut either in blue, red, or green Cloth, as the Veſtry or Churchwardens ſhall direct; and if any poor Perſon ſhall neglect or reſuſe to wear ſuch Badge, the Veſtry or Churchwardens of ſuch Pariſh may puniſh ſuch Offence, either by ordering his or her Allowance to be abridged, ſuſpended, or withdrawn, or the Offender to be whipped, not exceeding five Laſhes for one Offence, or at one Time: And if any Perſon not entitled to Relief as aforeſaid ſhall preſume to wear ſuch Badge, he or ſhe ſo offending ſhall, in like Manner, be whipped for every ſuch Offence, by Order of any Juſtice of the Peace, unleſs he or ſhe ſhall immediately pay down the Sum of ten Shillings to the Churchwardens, for the Uſe of the Poor of that Pariſh where the Offence ſhall be committed.*

Poor to wear
a Badge.

IX. *AND be it further enacted, by the Authority aforeſaid, that this Act ſhall be taken and allowed in all Courts within this Colony as a publick Act, without ſpecially pleading the ſame.*

Publick Act

C H A P. II.

An Act to amend an Act intituled An Act declaring the Law concerning Executions and for the Relief of insolvent Debtors, and for other Purpoſes therein mentioned. (a)

I. **W**HEREAS by an Act of General Aſſembly, made in the twenty ſecond Year of the Reign of his preſent Maſteſty, intituled *An Act declaring the Law concerning Executions and for the Relief of insolvent Debtors*, it is amongſt other Things enacted that where any Writ of Execution is ſued out upon a Judgment, in any Action for Sterling Money, the Sheriff, or other Officer to whom ſuch Writ is directed, ſhall levy the ſame, in current Money, at the Rate of twenty five *per Cent.* Advance upon the Sterling, for a Difference of Exchange, which is oftentimes found not to be a full Satisfaction for the Damage ſuſtained by Occaſion of the Non-Acceptance or Non-Payment of Bills of Exchange, or ſufficient to enable Merchants to remit the Money due to them in this Colony without great Loſs:

Preamble

II. *BE it therefore enacted, by the Lieutenant Governour, Council, and Burgeſſes, of this preſent General Aſſembly, and it is hereby enacted, by the Authority of the ſame, that in any Action which hath been or ſhall be commenced, and is or ſhall be depending, for the Recovery of any Sterling Money, in any Court of Record in this Dominion, wherein the Plaintiff or Plaintiffs ſhall recover, ſuch Court ſhall have Power, and are hereby directed, by Rule to be entered at the Foot of their Judgment in ſuch Action, to order ſuch Judgment to be diſcharged or levied in current Money, at ſuch a Difference of Exchange as they ſhall think juſt, any Law, Uſage, or Cuſtom, to the contrary thereof, in any Wiſe notwithstanding.*

Judgment for
a Sterling Debt
to be diſcharged
at ſuch a Dif-
ference of Ex-
change as the
Court ſhall
think proper.

III. *AND be it further enacted, that if any Perſon ſhall, in any Suit hereafter to be brought, declare for Sterling Money, except where the Debt or Duty is payable in Sterling, the Plaintiff in every ſuch Suit ſhall be nonſuited; and if any Perſon ſhall, after the paſſing of this Act, take a Bond, Obligation, or Note,*

Where a Per-
ſon may declare
for Sterling
Money, where
not, and how to
be levied.

(a) See 22 Geo. 2. (1748) Cap. 5. with Notes ſubjoined.

A. D. 1755.

payable in Sterling, for any current Money Debt, and shall bring any Suit thereon, the Court before whom such Suit shall be tried, upon Proof being made thereof, shall order the Judgment to be discharged or levied in current Money, at the Rate of twenty five *per Cent*.

In all Bills of Exchange it is to be expressed what was paid for the same, and the Penalty, to insert any other than the true Sum.

IV. *AND be it further enacted, by the Authority aforesaid*, that in all Bills of Exchange given after the first Day of *October* next, for any Debt due in current Money of this Colony, or for current Money advanced and paid for such Bills, it shall be mentioned and expressed in such Bills the Sum in current Money that was paid or allowed for the same; and in Default thereof, in Case such Bill shall be protested, and a Suit brought for the Recovery of the Money due thereby, the Sum of Money expressed in such Bill shall be held and taken as current Money, and Judgment shall be entered accordingly: And if any Person so receiving or purchasing a Bill of Exchange shall express, or cause to be expressed therein, any other than the true Sum in current Money allowed for the same, every such Person so offending shall forfeit and pay to the Person drawing such Bill the whole Sum of Money for which such Bill shall be drawn; to be recovered, with Costs, by Action of Debt, in any Court of Record within this Colony wherein the same shall be cognizable.

V. *AND to the End* People may not be injured for Want of due Proof of the Rate of Exchange so given or allowed for such Bills, where the same is not truly expressed therein, such Bills being usually negotiated in Secret, and with such Caution that it can seldom be detected in the ordinary Course of Evidence, *Be it further enacted*, that it shall and may be lawful for any Drawer of such Bill of Exchange to exhibit a Bill in Chancery, in any Court of Record in this Colony, against the Person to whom such Bill shall be payable, to compel him to discover, upon his corporal Oath, the true Difference of Exchange given or allowed for such Bill; and in that Case, if it shall appear that a less Rate of Exchange was given or allowed than is expressed, the Drawee of such Bill shall be discharged from the Penalty herein before inflicted for the same, but shall be decreed to pay to the Drawer so much Money as the Rate of Exchange allowed shall be less than the Rate of Exchange expressed, together with the Damages of ten *per Centum per Annum* thereon, to the Time of such Decree, and Costs of Suit.

VI. *AND* whereas many Persons come from beyond Sea, and here settle and trade with the Subjects of this Colony, who become indebted to them on Account of such Dealings, and the Persons so trading, in Order to entitle themselves to many Advantages allowed to the Merchants residing in *Great Britain*, and bringing Suits here for the Recovery of Debts contracted there, do pretend that they are Factors for some Persons beyond the Sea, and do accordingly commence Suits, in the Names of such pretended Principals, although it is reasonable that the Debts so contracted should be considered, in all Respects, as other Debts between Persons residing in this Colony: For Remedy whereof,

To prevent certain Practices amongst Factors,

VII. *BE it enacted, by the Authority aforesaid*, (a) that where any Suit shall hereafter be brought, in the Name or Names of any Person or Persons residing in *Great Britain* or *Ireland*, for the Recovery of any Debt due for Goods actually sold and delivered here, by his or their Factor or Factors, it shall be mentioned and expressed, in the Declaration or Petition in such Suit, by what Factor or Factors the Goods and Merchandises for which the Debt sued for became due, were sold, and delivered; or in Default thereof, such Suit shall be dismissed, with Costs, and the Factor or Factors so to be named shall be allowed to take the same Oath to his Book of Accounts, or to a Copy thereof, in Case his Book shall not be required to be produced, which shall be allowed as Evi-

(a) See 23 Geo. 2. (1743) Cap. 19. prescribing the Method of proving Book Debts.

dence, in the same Manner, and under the like Limitations and Restrictions, as if the Suit was brought in the Name of such Factor: And that such Factor or Factors shall not further, or otherwise, be admitted as a Witness in such Suits, or be entitled to any Allowance for his Attendance as a Witness.

A. D. 1755.

VIII. *AND be it further enacted*, that all such Suits shall be commenced and prosecuted within the Time appointed and limited for the bringing the like Suits, by an Act of Assembly made in the fourth Year of the Reign of her late Majesty Queen Anne, intituled *An Act for the Limitation of Actions and avoiding of Suits*, and not after, notwithstanding the saving in the said Act to Persons beyond the Sea, at the Time their Causes of Action accrued.

Limitation.

IX. *PROVIDED nevertheless*, that if any Factor shall happen to die before the Expiration of the Time in which such Suit should have been brought, such Principal shall be allowed two Years from the Death of such Factor to commence and prosecute his, her, or their Action, for any Debt due to him, her, or them, on Account of any Contract or Dealing with such Factor.

Proviso.

X. *AND be it further enacted, by the Authority aforesaid*, that in all Petitions brought for the Recovery of such Debts, if the Plaintiff shall recover, a Lawyer's Fee shall be taxed in the Bill of Costs, in Case the Factor so to be named in the Petition shall be unable to attend the Court in Person, or the Defendant resides in another County than where the Debt is contracted, and not otherwise.

Lawyer's
Fees to be taxed.

XI. *AND* whereas by an Act of Assembly made in the twenty second Year of the Reign of his present Majesty, (a) intituled *An Act prescribing the Method of appointing Sheriffs, and for limiting the Time of their Continuance in Office, and directing their Duty therein*, it is amongst other Things directed that every Sheriff shall before his being sworn into and executing his Office, enter into Bond, with sufficient Sureties, in the Sum of one Thousand Pounds current Money, for his true and faithful Performance of his Office; but such Bonds being payable to his Majesty, it hath been doubted whether the Securities of a Sheriff can be made liable on such Bond for any Money or Tobacco levied and received by such Sheriff upon any Writ of Execution, or for Officers Fees and Dues put into his Hands to collect: For explaining whereof,

(a) Cap. 6.

XII. *BE it enacted, by the Authority aforesaid*, that every Person accepting a Sheriff's Commission shall, before his being sworn into or executing his Office, enter into one Bond before the Justices of his County Court, with two good and sufficient Securities at the least, in the Sum of five Hundred Pounds, with a Condition in the following Form, to wit:

Sheriffs to
give Bond.

THE Condition of the above Obligation is such that whereas the above bound *A. B.* is constituted and appointed Sheriff of the County of during Pleasure, by Commission from the Governour, under the Seal of the Colony, dated the Day of last past, if therefore the said *A. B.* shall well and truly collect all Quitrents, Fines, Forfeitures, and Amerciaments, accruing or becoming due to his Majesty in the said County, and shall duly account for and pay the same to the Officers of his Majesty's Revenue for the Time being, on or before the second *Tuesday* in *June* annually, and shall in all other Things truly and faithfully execute the said Office of Sheriff during his Continuance therein, then the above Obligation to be void, otherwise to remain in full Force and Virtue.

The Form.

And shall also enter into one other Bond before such Court, and with the like Sureties, in the Sum of one Thousand Pounds, with a Condition in the following Form, to wit:

N n n n

A. D. 1753.

THE Condition of the above Obligation is such that whereas the above bound *A. B.* is constituted and appointed Sheriff of the County of during Pleasure, by Commission from the Governour, under the Seal of the Colony, dated the _____ Day of _____ last past, if therefore the said *A. B.* shall well and truly collect and receive all Officers Fees and Dues put into his Hands to collect, and duly account for and pay the same to the Officers to whom such Fees are due respectively, at such Times as are prescribed and limited by Law, and shall well and truly execute, and due Return make, of all Process and Precepts to him directed, and pay and satisfy all Sums of Money and Tobacco by him received, by Virtue of any such Process, to the Person or Persons to whom the same are due, his or their Executors, Administrators, or Assigns, and in all other Things shall truly and faithfully execute and perform the said Office of Sheriff during the Time of his Continuance therein, then the above Obligation to be void, otherwise to remain in full Force and Virtue.

Both which Bonds shall be made payable to his Majesty, his Heirs and Successors. And that in the Name of his Majesty, and his Successors, any Person or Persons injured may and shall, at his, her, or their Costs and Charges, commence and prosecute Suits on such last mentioned Bond against the Parties therein bound, their Executors or Administrators, and shall and may recover all Damages which he, she, or they, may have sustained by Reason of the Breach of the Condition of such Bond; and such Bond shall not become void upon the first Recovery, or if Judgment shall be given against any Plaintiff or Plaintiffs who shall sue on such Bond, but may be put in Suit and prosecuted, from Time to Time, for the Benefit, and at the proper Cost and Charges, of any Party injured, until the whole Sum of one Thousand Pounds, the Penalty expressed in such Bond, shall be recovered.

Proviso.

XIII. *PROVIDED* always, that if any Verdict or Judgment shall pass for such Sheriff or his Security, the Person at whose Instance such Suit shall be brought or prosecuted shall pay such Sheriff, or his Security, their Costs.

C H A P. III.

An Act for prohibiting the Inspectors of Tar, Pitch, and Turpentine, from purchasing such Commodities. (a)

Preamble.

I. **W**HEREAS it is represented to this General Assembly that it is of pernicious Consequence to permit the Inspectors of Tar, Pitch, and Turpentine, to buy for themselves, or any other Person, any such Commodity,

Inspectors of
Tar, &c. their
Duty.

II. *BE* it therefore enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that from and after the passing of this Act no Person or Persons appointed to inspect the filling of Tar, Pitch, or Turpentine, shall, during his or their Continuance in such Office, directly or indirectly, for himself or themselves, or for any other Person or Persons, buy or receive, by Way of Barter, Loan, or Exchange, or by any other Ways or Means, any Tar, Pitch, or Turpentine whatsoever, except for his or their own Use, under the Penalty of forfeiting five Shillings for every Barrel of Tar, Pitch, or Turpentine, so bought or received; to be recovered, with Costs, by Action of Debt or Information, in any Court of Record within this Dominion, where the Penalty or Forfeiture exceeds twenty five Shillings, and where the same does not exceed that Sum, before

(a) See 3 Geo. 3. (1762) Cap. 3. for Inspection of Tar, &c.

any Justice of the Peace of the County where the Offence shall be committed; one Moiety whereof shall be to our Sovereign Lord the King, his Heirs and Successors, for and towards the better Support of this Government and the contingent Charges thereof, and the other to the Person or Persons who shall inform or sue for the same.

A. D. 1755.

C H A P. IV.

An Act for appointing several new Ferries. (a)

I. **W**HEREAS it is represented to this present General Assembly that publick Ferries at the Places hereafter mentioned will be of great Service to Travellers, and others,

Preamble:

II. *BE it therefore enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that publick Ferries be constantly kept at the following Places, and that the Rates for passing the same shall be as follows, to wit: From the Land of Thomas Swearingen, in the County of Frederick, over Patomack River, to his Land opposite thereto, in the Province of Maryland, the Price for a Man three-pence three Farthings, and for a Horse the same; from the Land of Lawrence Washington, in the County of Stafford, over the said River, to the Land opposite thereto, in the Province of Maryland, the Price for a Man two Shilling and Six-pence, and for a Horse the same; from Fort Point, on Hog Island, over James River, to Higginson's Landing, in the County of James City, the Price for a Man one Shilling and threepence, and for a Horse the same; from the Land of George Stovall, in the County of Albemarle, over the Fluvanna, to the Land of George Stovall, in the County of Bedford, and from the Land of the said George Stovall, in the County of Bedford, to the Land of George Stovall, in the County of Albemarle, the Price for a Man threepence, and for a Horse the same; from the Land of Anne Fleet, in the County of King and Queen, across Mattaponi River, to the Land of Thomas Fox, in the County of King William, and from the Land of the said Thomas Fox to the Land of the said Anne Fleet, the Price for a Man sevenpence Halfpenny, and for a Horse the same; from the Land of Anderson Doniphan, in King George County, to the Land of Lawrence Battaille, in the County of Caroline, the Price for a Man threepence, and for a Horse the same; from the Land of Field Jefferson, on the north Side of Roanoke, in Lunenburg County, to the Land opposite thereto, the Price for a Man fourpence, and for a Horse the same; from the Land of James Hunt, in the County of Lunenburg, over Stanton River, to the Land of Abraham Abney, in the County of Halifax, the Price for a Man fourpence, and for a Horse the same; from the Land of Joseph Mayes, in the County of Halifax, over Stanton River, to the Land opposite thereto, the Price for a Man twopence, and for a Horse the same. And for the Transportation of Wheel Carriages, Tobacco, Cattle, and other Beasts, at any of the Places aforesaid, the Ferrykeepers may demand and take the following Rates, to wit: For every Coach, Chariot, or Waggon, and the Driver thereof, the same as for six Horses; for every Cart, or four wheeled Chaise, and the Driver thereof, as for four Horses; for every two wheeled Chaise, or Chair, as for two Horses; for every Hoghead of Tobacco, as for one Horse; for every Head of nett Cattle, as for one Horse; for every Sheep, Goat, or Lamb, one fifth Part of the Ferriage of one Horse; and for every Hog, one fourth Part of the Ferriage of one Horse; according to the Prices herein before settled at such Ferries respectively, and no more.*

The Ferries
established by
this Act.

A. D. 1755.

The Justices
of Surry to caufe
a Bridge to be
built over Hog
Ifland Creek.

III. *AND be it further enacted, by the Authority aforefaid, that for the greater Convenience of paffing to and from the Ferry to be kept from Fort Point aforefaid the Juftices of the County of Surry fhall, and they are hereby required, within fix Months after paffing this Act, at the Charge of the faid County, to caufe to be erected a Bridge over Hog Ifland Creek, where the Road leading to Fort Point aforefaid croffes the fame; and fuch Bridge, when erected, the faid Juftices, and their Succelfours, fhall from Time to Time keep well and fufficiently repaired.*

Penalty on
Failure.

IV. *AND be it further enacted, by the Authority aforefaid, that if the faid Juftices fhall neglect or refufe to erect fuch Bridge as aforefaid, or the fame, when erected, to keep in good and fufficient Repair, every Juftice fo neglecting or refufing fhall forfeit and pay one Thoufand Pounds of nett Tobacco; to be recovered, by Action of Debt, to the Ufe of the Informer, in any Court of Record, wherein no Protection or Effoin fhall be allowed.*

See 7 Geo. 3.
(1766) Cap. 25.
Sect. 3.

V. *AND whereas by an Act of the General Affembly made in the twenty fecond Year of his prefent Majesty's Reign, intituled An Act for the Settlement and Regulation of Ferries, and for Despatch of publick Exprefses, a publick Ferry was eftablifhed from the Land of Littleton Eyre, on Hungar's River, in the County of Northampton, over the Bay of Chcfapeak, to the Towns of York, Hampton, and Norfolk, but no Provision was made in the faid Act for preventing other Perfons from fetting over the faid Bay, for Reward, any Perfon or Perfons, which is very prejudicial to the Keeper of the faid Ferry: For Remedy whereof,*

No one for
Reward to fet
any Perfons
over the Bay,
from Northamp-
ton to the Towns
of York, Hamp-
ton, Norfolk, or
Places adjacent,
but the Keeper
of the Ferry.

VI. *BE it enacted, by the Authority aforefaid, that no Perfon whatfoever fhall, for Reward, fet any Perfon or Perfons over the faid Bay, from the faid County of Northampton, to the faid Towns of York, Hampton, or Norfolk, or any other Place adjacent to the faid Towns; and if any Perfon fhall offend herein, he or fhe fo offending fhall forfeit and pay five Pounds current Money for every Offence, to be recovered by the Keeper of the faid Ferry, for his own Ufe, by Action of Debt or Information, in any County Court in this Dominion.*

CHAP. V.

An Act for the Relief of thofe Perfons who were Sufferers in the Lofs of the Records of the County of Nanfemond, whofe Cafes have not already been provided for. (a)

I. **W**HEREAS it was enacted, by one Clause of the Act made in the fifteenth Year of his Majesty's Reign, for the Relief of certain Perfons who were Sufferers in the Lofs of the Records of the County of Nanfemond, that to the End other Perfons who had not been able to produce Witneffes before the Commiffioners, appointed by a Commiffion iffued under the Great Seal of the Colony, purfuant to the Act of Affembly made in the eighth Year of his Majesty's Reign, intituled *An Act for the Relief of fuch Perfons as have fuffered, or may fuffer, by the Lofs of the Records of Nanfemond County, lately confumed by Fire*, in Relation to their Deeds and other Evidences which may have been loft among the Records of the faid County, one or other or more Commiffions fhould and might be iffued and continued by the Governour and Commander in Chief of this Colony for the Time being, for examining other Witneffes, and perpetuating the Testimony thereof, in Relation to all Deeds, Wills, Inventories, or other

(a) See 3. Geo. 2. (1734) Cap. 4. with Notes fubjoined.

Writings recorded in the faid County Court, where the Original has been loft, purfuant to the laft mentioned Act of Affembly, to be executed and returned as in the faid Act is directed; and whereas, purfuant thereto, a Commiffion hath iffued under the Great Seal of the Colony, to *John Milner* and nineteen others directed, who made a Return of the faid Commiffion, and their Proceedings in the Premifes, whereby it doth appear that they have examined divers Witneffes, and taken their Depofitions to a Copy of *John Grimes's* Will, which original Will was burnt amongst the Records of the faid County, by which Depofitions it does appear that the fame is a true Copy; and whereas, purfuant to the Directions of the faid Act of Affembly, another Commiffion hath iffued, under the Great Seal of this Colony, to *William Baker* and twelve others directed, who made a Return of the faid Commiffion, and their Proceedings in the Premifes, whereby it doth appear that they have examined divers Witneffes, and taken their Depofitions to a Deed made by *Chriftopher Gewin* the younger to *Alexander Avera*, by which Depofitions it doth appear that the faid *Chriftopher Gewin*, for a valuable Confideration, fold to the faid *Alexander Avera* two Hundred and fixty feven Acres of Land lying and being fituat in the upper Parifh of *Nanfemond* County, which faid Land the faid *Chriftopher* purchafed of one *John Spivy*, by Deeds bearing Date the fecond Day of *Auguft*, in the Year of our Lord one Thoufand feven Hundred and eleven, that the faid Deed from *Gewin* to *Avera* was recorded in *Nanfemond* County Court fome Time in the Year one Thoufand feven Hundred and thirty one, and is burnt amongst the Records of the faid Court, and that the faid *Alexander Avera* now is, and hath been, in the peaceable and quiet Poffeffion of the faid Land from the Time of making the faid Deed: Therefore, for making the fame effectual,

A. D. 1755.

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgeffes, of this prefent General Affembly, and it is hereby enacted, by the Authority of the fame,* that from henceforth the Proof of the faid Deed before mentioned fhall and may be given in Evidence in any Court of Law or Equity, and fhall avail for the Benefit and Advantage of the faid *Alexander Avera*, his Heirs and Affigns, and all Perfons claiming by, from, or under him or them, or any of them, as much as the fame can or ought to avail; and it fhall and may be lawful for the Clerk of the County Court of *Nanfemond* to record the faid Copy of the Will of the faid *John Grimes*, which hath been proved to be a true Copy, though not attested by any fworn Clerk. And to the End that other Perfons who have not yet been able to produce Witneffes before the faid Commiffioners, in Relation to their Deeds and other Evidences, which may have been loft amongst the Records of the faid County,

III. *BE it further enacted, by the Authority aforefaid, that one other or more Commiffions fhall and may be iffued and continued by the Governour or Commander in Chief of this Colony for the Time being, for examining other Witneffes, and perpetuating the Testimony thereof, in Relation to all Deeds, Wills, Inventories, and other Writings, recorded in the faid County Court, where the Original has been loft, purfuant to the faid Act of Affembly, to be executed and returned as in the faid Act is directed.*

ROBERT DINWIDDIE, *Efq; Governour.*
JOHN ROBINSON, *Speaker.*

A. D. 1755.

ROBERT
DINWIDDIE,
Esq; Governour.

At a GENERAL ASSEMBLY begun and held at the College, in the City of *Williamsburg*, on *Thursday* the 27th Day of *February*, in the 25th Year of the Reign of our Sovereign Lord GEORGE II. by the Grace of GOD of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord 1752, and from thence continued, by several Prorogations, to *Tuesday* the 5th Day of *August*, in the 29th Year of his Majesty's Reign, and in the Year of our Lord 1755, and then held at the CAPITOL, in the City of *Williamsburg*, being the seventh Session of this Assembly.

C H A P. I.

An Act to recover his Majesty's Quitrents, collected by the Sheriffs, in a summary Way.

Preamble.

I. **W**HEREAS many of the Sheriffs of this Colony have of late Years, to the great Prejudice of his Majesty, kept the Money collected by them for his Quitrents, and other Dues, in their own Hands, till Judgment could be obtained against them at Law, and it has been found that the legal Methods of Proceedings on these Occasions are tedious and dilatory, and are an Encouragement to such unjust Practices: For Remedy whereof,

Judgment may
be had in Ge-
ne al Court on
Sheriff failing
to pay to the
Receiver Ge-
neral the Quit-
rents by him
received, he
having ten Days
Notice.

II. *BE it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that if any Sheriff has neglected, or shall hereafter neglect, to pay to the Officers of his Majesty's Revenue, on or before the Day appointed by Law for that Purpose, such Sum or Sums of Money as such Sheriff shall have received and collected for the Quitrents, and other Dues of his Majesty within his County, that then it shall and may be lawful for his Majesty's Receiver General in this Colony, at the next, or any other succeeding General Court, to demand Judgment against such Sheriff for the same, with Costs, and the said Court is hereby authorized and required to give Judgment accordingly, provided such Sheriff have ten Days previous Notice thereof.

ROBERT DINWIDDIE, Esq; Governour.
JOHN ROBINSON, Speaker.

A. D. 1756.

At a GENERAL ASSEMBLY begun and held at the CAPITOL, in *Williamsburg*, on *Thursday* the 25th Day of *March*, in the 29th Year of the Reign of our Sovereign Lord GEORGE II. by the Grace of GOD of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord 1756, being the first Session of this Assembly.

ROBERT
DINWIDDIE,
Esq; Govern-
our.

C H A P. I.

An Act for disarming Papists, and reputed Papists, refusing to take the Oaths to the Government.

I. WHEREAS it is dangerous at this Time to permit Papists to be armed, *Be it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that it shall and may be lawful for any two or more Justices of the Peace, who shall know or suspect any Person to be a Papist, or shall be informed that any Person is, or is suspected to be, a Papist, to tender, and they are hereby authorized and required to tender, to such Person so known or suspected to be a Papist, the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy; and if such Person so required shall refuse to take the said Oaths, and subscribe the Test, or shall refuse or forbear to appear before the said Justices for the taking the said Oaths, and subscribing the said Test, upon Notice to him given, or left at his usual Place of Abode, by any Person authorized in that Behalf, by Warrant under the Hands and Seals of the said two Justices, such Person from thenceforth shall be taken to be, and is hereby declared to be, liable and subject to all and every the Penalties, Forfeitures, and Disabilities, hereafter in this Act mentioned.

Preamble.

Where Pa-
pists refuse to
take the Oaths,
when tendered.

II. AND be it further enacted, that the said Justices of the Peace shall certify the Name, Surname, and usual Place of Abode, of every Person who, being required, shall refuse or neglect to take the said Oaths and subscribe the said Test, or to appear before them for the taking the said Oaths and subscribing the said Test, as also of every Person who shall take the said Oaths and subscribe the said Test, at the next Court to be holden for the County for which they shall be Justices of the Peace, to be there recorded by the Clerk of the said Court, and kept among the Records of the said Court.

Duty of
Justices.

III. AND for the better securing the Lives and Properties of his Majesty's faithful Subjects, *Be it further enacted, and declared,* that no Papist, or reputed Papist, so refusing, or making Default as aforesaid, shall or may have, or keep in his House, or elsewhere, or in the Possession of any other Person, to his Use, or at his Disposition, any Arms, Weapons, Gunpowder, or Ammunition, other than such necessary Weapons as shall be allowed to him by Order of the Justices of the Peace at their Court for the Defence of his House or Person; and that any two or more Justices of the Peace, from Time to Time, by Warrant under their Hands and Seals, may authorize and empower any Person or Persons in the

No Papists
to keep Arms,
&c.

A. D. 1756.

Day Time, with the Assistance of the Constable where the Search shall be (who is hereby required to be aiding and assisting herein) to search for all Arms, Weapons, Gunpowder, or Ammunition, which shall be in the House, Custody, or Possession, of any such Papist, or reputed Papist, and seize the same for the Use of his Majesty and his Successors, which said Justices of the Peace shall from Time to Time, at the next Court to be held for the County where such Seizure shall be made, deliver the said Arms, Weapons, Gunpowder, and Ammunition, in open Court, for the Use aforesaid.

Penalties on
them.

IV. *AND be it further enacted*, that every Papist, or reputed Papist, who shall not, within the Space of ten Days after such Refusal, or making Default as aforesaid, discover and deliver, or cause to be delivered, to some of his Majesty's Justices of the Peace, all Arms, Weapons, Gunpowder, or Ammunition, which he shall have in his House, or elsewhere, or which shall be in the Possession of any Person to his Use, or at his Disposition, or shall hinder or disturb any Person or Persons, authorized by Warrant under the Hands and Seals of any two Justices of the Peace, to search for and seize the same, that every such Person so offending, contrary to the Act of Assembly in this Behalf made, shall be committed to the Gaol of the County where he shall commit such Offence, by Warrant under the Hands and Seals of any two Justices of the Peace, there to remain without Bail or Mainprize for the Space of three Months, and shall also forfeit and lose the said Arms, and pay treble the Value of them, to the Use of his Majesty and his Successors, to be appraised by the Justices of the Peace at the next Court to be held for the said County.

All Persons
to discover Pa-
pists keeping
Arms, &c.

V. *AND be it further enacted*, that every Person who shall conceal, or be privy or aiding or assisting to the concealing, or who knowing thereof shall not discover or declare to some of his Majesty's Justices of the Peace, the Arms, Weapons, Gunpowder, or Ammunition, of any Person so refusing or making Default as aforesaid, or shall hinder or disturb any Person or Persons authorized as aforesaid in searching for, taking, and seizing the same, shall be committed to the Gaol of the County where he shall commit such Offence, by Warrant under the Hands and Seals of any two Justices of the Peace, there to remain, without Bail or Mainprize, for the Space of three Months, and shall also forfeit and pay treble the Value of the said Arms, to his Majesty and his Successors.

Their Re-
ward for such
Discovery.

VI. *AND be it further enacted*, that if any Person or Persons shall discover any concealed Arms, Weapons, Ammunition, or Gunpowder, belonging to any refusing or making Default as aforesaid, so as the same may be seized as aforesaid for the Use of his Majesty and his Successors, the Justices of the Peace, upon Delivery of the same at the County Court as aforesaid, shall have Power, and they are hereby required, as a Reward for such a Discovery, by Order of Court, to allow him or them a Sum of Money amounting to the Value of the Arms, Ammunition, or Gunpowder, so discovered; the said Sum to be assessed by the Judgment of the said Justices, at their said Court, and to be levied by Distress and Sale of the Goods of the Person offending against this Act, rendering the Overplus which shall arise by such Sale above the said Sum so allowed, and above the necessary Charges of taking such Distress, to the Owner.

Where the
Party desires
to conform.

VII. *PROVIDED always*, that if any Person who shall have refused or made Default as aforesaid shall desire to submit and conform, and for that Purpose shall present himself before the Justices of the Peace, at the Court to be held for the County where his Refusal or making Default as aforesaid shall be certified as aforesaid, and shall there in open Court take the said Oaths and subscribe the said Test, he shall from thenceforth be discharged of and from all Disabilities and Forfeitures which he might or should be liable to for the future by Reason of his Refusal or Default as aforesaid.

VIII. *AND be it further enacted*, that no Papift, or reputed Papift, fo refusing or making Default as aforefaid, at any Time after the firft Day of *July*, in the Year of our Lord one Thoufand feven Hundred and fifty fix, fhall or may have or keep in his own Poffeffion, or in the Poffeffion of any other Perfon to his Ufe, or at his Difpofition, any Horfe or Horfes which fhall be above the Value of five Pounds, to be fold; and that any two or more Juftices of the Peace, from Time to Time, by Warrant under their Hands and Seals, may and fhall authorize any Perfon or Perfons, with the Affiftance of the Conftable where the Search fhall be (who is hereby required to be aiding and affifting herein) to fearch for, and feize for the Ufe of his Majefty and his Succelfours all fuch Horfes, which Horfes are hereby declared to be forfeited to his Majefty and his Succelfours.

A. D. 1756.

No Papift to keep any Horfe above the Value of £. 5 to be fold.

IX. *AND be it further enacted*, that if any Perfon fhall conceal, or be aiding or affifting in the concealing, any fuch Horfe or Horfes, belonging to any Papift, or reputed Papift, fo refusing or making Default as aforefaid, after the faid firft Day of *July*, fuch Perfon fhall be committed to Prifon by fuch Warrant as aforefaid, there to remain, without Bail or Mainprize, by the Space of three Months, and fhall alfo forfeit and pay to his Majefty and his Succelfours treble the Value of fuch Horfe or Horfes, which Value is to be fettled as aforefaid.

Penalty on Perfons concealing fuch Horfes.

C H A P. II.

An Act for appointing a publick Ferry, and for difcontinuing a former one. (a)

I. *BE it enacted*, by the Lieutenant Governour, Council, and Burgeffes, of this prefent General Affembly, and it is hereby enacted, by the Authority of the fame, that a publick Ferry be constantly kept from the north Side of the *Fluvanna* River to the Land whereon *William Megginfon* now dwells, and that the Rates for paffing the faid Ferry be as follows: For a Man threepence, for a Horfe threepence; for a Waggon, and the Driver thereof, the fame as for fix Horfes; for a Cart, and the Driver thereof, the fame as for four Horfes; for every Head of nett Cattle, the fame as for one Horfe; for every Sheep, Goat, or Lamb, one fifth Part of the Ferriage of one Horfe; for every Hog, one fourth Part of the Ferriage of one Horfe; and that the Owner of the Land whereon the faid Ferry is appointed, and the Keeper of the faid Ferry, fhall be under the like Regulations and Restrictions, and have fuch Exemptions and Advantages, as is and are by Law provided for and in Refpect of the Keeper of publick Ferries heretofore fettled and appointed.

II. *AND be it further enacted*, by the Authority aforefaid, that from and after the paffing of this Act the Act of the General Affembly of this Colony made in the twenty fecond Year of the Reign of his prefent Majefty, intituled *An Act for the Settlement and Regulation of Ferries, and for Despatch of publick Exprefses*, for fo much thereof only as appoints a Ferry from the Land of *James Fenly* to the Land of *William Cabell*, acrofs the *Fluvanna*, be and is hereby repealed.

III. *PROVIDED*, that the Execution of this Act fhall be fufpended until his Majefty's Affent thereto fhall be obtained.

ROBERT DINWIDDIE, *Efq*; Governour.
JOHN ROBINSON, *Speaker*.

(a) See 22 Geo. 2. (1748) Cap. 11. with Notes fubjoined.

A. D. 1757.

ROBERT
DINWIDDIE,
Esq; Gover-
nour.

At a GENERAL ASSEMBLY begun and held at the CAPITOL, in *Williamsburg*, on *Thursday* the 25th Day of *March*, in the 29th Year of the Reign of our Sovereign Lord GEORGE II. by the Grace of GOD of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord 1756, and from thence continued, by several Prorogations, to *Thursday* the 14th of *April*, in the 30th Year of his Majesty's Reign, and in the Year of our Lord 1757, being the third Session of this Assembly.

C H A P. I.

*An Act for the better regulating and disciplining the Militia. (a)*All Officers
of the Militia
to be resident
in the County.

WHEREAS it is necessary, in this Time of Danger, that the Militia of this Colony should be well regulated and disciplined, *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that from and after the passing of this Act every County Lieutenant, Colonel, Lieutenant Colonel, and other inferiour Officer, bearing any Commission in the Militia of this Colony, shall be an Inhabitant of, and resident in, the County of which he is or shall be commissioned to be an Officer of the Militia.

All above 18
and under 60
to be enlisted.

II. *AND be it further enacted, by the Authority aforesaid,* that the Lieutenant, or in his Absence the chief Officer, of the Militia in every County, except the County of *Hampshire*, shall list all male Persons above the Age of eighteen Years and under the Age of sixty Years within this Colony (imported Servants excepted) under the Command of such Captain as he shall think fit, within one Month after the passing of this Act.

Persons ex-
empted.

III. *PROVIDED always,* that nothing herein contained shall be construed to compel any Person hereafter mentioned to muster, that is to say such as are Members of the Council, Speaker of the House of Burgeses, Receiver General, Auditor, Secretary, Attorney General, Clerk of the Council, Clerk of the Secretary's Office, Ministers of the Church of *England*, the President, Masters or Professors, and Students, of *William and Mary College*, the Mayor, Recorder, and Aldermen, of the City of *Williamsburg* and Borough of *Norfolk*, the Keeper of the publick Gaol, any Person being *bonâ fide* an Overseer over four Servants or Slaves being Tithables, and actually residing on the Plantation where they work, and receiving a Share of the Crop or Wages for his Care and Pains in looking after such Servants and Slaves, any Miller having the Charge and

(a) See 3 Geo. 3. (1762) Cap. 1. Justices exempted.
7 Geo. 3. (1766) Quakers exempted.

Keeping of any Mill, and Founders, Keepers, or other Persons employed in or about any Copper, Iron, or Lead Mine, who are all hereby exempted from being enlisted or any Ways concerned in the Militia during the Time they shall continue in such Station or Capacity.

A. D. 1757.

IV. *AND be it further enacted, by the Authority aforesaid,* that every Person so as aforesaid enlisted (except free Mulattoes, Negroes, and *Indians*) shall be armed in the Manner following, that is to say: Every Soldier shall be furnished with a Firelock well fixed, a Bayonet fitted to the same, a double Cartouch Box, and three Charges of Powder, and constantly appear with the same at the Time and Place appointed for Muster and Exercise, and shall also keep at his Place of Abode one Pound of Powder and four Pounds of Ball, and bring the same with him into the Field when he shall be required; and if it shall be certified to the Court of any County, by Order of the Court Martial, that any Soldier enlisted in such Company is so poor as not to be able to purchase the Arms aforesaid, then such Court shall, and they are hereby required, immediately to depute some Person to send for the same to *Great Britain* by the first Opportunity, and to levy the Charge thereof in the next County Levy, which Arms so to be sent for shall be marked with the Name of the County. And if any Person shall presume to buy or sell any such Arms, so provided as aforesaid, then, and in such Case, every Person so buying or selling shall forfeit and pay the Sum of six Pounds; to be recovered, with Costs, by Information, before the Court of the County to which the Arms shall belong, or in the Court of the County wherein the Offender or Offenders shall reside, one Moiety whereof shall be to and for the Use of the County to which the Arms shall belong, for the purchasing other Arms, and the other Moiety to the Informer. And all Arms purchased by any County, and delivered to any poor Soldier as aforesaid, shall, on his Death or Removal out of the County, be delivered to the chief Officer of the Militia in the County, or to the Captain of the Company to which such poor Soldier did belong, to be by such Officer delivered to any other poor Soldier that the Commanding Officer of the said County shall adjudge unable to provide himself with Arms as aforesaid.

The Account
trements.

V. *AND be it further enacted, by the Authority aforesaid,* that the several Persons herein before exempted from mustering (except Ministers of the Church of *England*, the President, Masters or Professors, and Students, of *William and Mary* College, the Keeper of the publick Gaol, Overseers and Millers, and all Workers in any Mine whatsoever) shall provide Arms for the Use of the County, City, or Borough, wherein they shall respectively reside, in the following Manner, that is to say: Each Councillor, not being an Officer of the Militia, four complete Sets of Arms, as is herein before directed for a Soldier; the Speaker of the House of Burgesses, not being an Officer of the Militia, four complete Sets, as before; the Receiver General, Auditor, and Secretary, not being a Counsellor, or Officer of the Militia, each four complete Sets, as before; the Attorney General, not being an Officer of the Militia, two complete Sets, as before; the Clerk of the Council and Clerk of the Secretary's Office, not being Officers of the Militia, each two complete Sets, as before; the Mayor, Recorder, and Aldermen, of the City of *Williamsburg* and Borough of *Norfolk*, not before by this Act obliged, and not being Officers of the Militia, each two complete Sets, as before. And if they shall fail or refuse so to do, within twelve Months after the passing of this Act, then it shall and may be lawful for the several Courts of the Counties wherein the Persons before mentioned shall reside, and they are hereby empowered and required, to levy the Value of the same on each of them respectively.

Persons ex-
empted to find
Arms, &c. for
the Use of the
Militia.

VI. *PROVIDED always,* that nothing herein contained shall be construed to oblige any of the Persons exempted from mustering as aforesaid, who have already provided Arms for the Use of the County, City, or Borough, wherein they respectively reside, according to the Directions of the Act made in the twenty ninth Year of his present Majesty's Reign, intituled *An Act for the*

Not to extend
to them who
have already
found Arms.

A. D. 1757. *better regulating and training the Militia,* to provide any other Arms for the Use
aforesaid.

Free Negroes,
&c. to be em-
ployed in any
servile Labour.

VII. *AND be it further enacted, by the Authority aforesaid,* that all such free Mulattoes, Negroes, and *Indians*, as are or shall be enlisted as aforesaid, shall appear without Arms, and may be employed as Drummers, Trumpeters, or Pioneers, or in such other servile Labour as they shall be directed to perform.

General and
private Mus-
ters.

7. Geo. 3.
(1766) Cap. 18.
Sect. 8. general
Musters once a
Year only.

Misbehaviour
at Courts Mar-
tial how
punishable.

VIII. *AND for the better training and exercising the Militia, and rendering them more serviceable, Be it further enacted, by the Authority aforesaid,* that every Captain shall, once in three Months, and oftener, if thereto required by the Lieutenant or chief Commanding Officer in the County, muster, train, and exercise his Company; and the Lieutenant, or other chief Commanding Officer in the County, shall cause a general Muster and Exercise of all the Companies within his County to be made in the Months of *March* and *April*, or *September* or *October*, yearly. And if any Soldier shall, at any general or private Muster, refuse to perform the Command of his Officer, or behave himself refractorily or mutinously, or misbehave himself at the Courts Martial to be held in Pursuance of this Act, as is herein after directed, it shall and may be lawful to and for the chief Commanding Officer then present to cause such Offender to be tied Neck and Heels, for any Time not exceeding five Minutes, or inflict such corporal Punishment as he shall think fit, not exceeding twenty Lashes.

Captains to
keep proper
Lists of Delin-
quents.

IX. *AND every Captain, or in his Absence the Lieutenant, shall duly make a List of all the Persons upon his Muster Roll who shall be summoned and do not appear at any of the said Musters armed, and with Powder and Ball, as by this Act is directed, and return the same, with the Names of all Officers who shall be absent, to the next Court Martial; and every Captain shall have Power to appoint a Clerk to his Company, who shall be sworn by such Captain well and truly to execute his said Office, and such Clerk shall keep the Muster Roll, and attend all Musters with the same, and shall be exempted from mustering, but shall appear with Arms, and Powder and Ball, as is before directed at all such Musters; and further, it shall and may be lawful for the Lieutenant, or other chief Officer of the Militia in the County, to order all Soldiers enlisted therein to go armed to their respective Parish Churches.*

Court Mar-
tial.

X. *AND be it further enacted, by the Authority aforesaid,* that it shall and may be lawful for the Field Officers and Captains of every County, or the major Part of them (whereof the County Lieutenant, Colonel, Lieutenant Colonel, or Major, shall be one) and they are hereby required, to meet at the Courthouse of their Counties respectively, the Day next following the General Muster in *September* or *October* every Year, if fair (if not, the next fair Day) then and there to hold a Court Martial, which Court shall have Power to adjourn from Day to Day, and to inquire of the Age and Abilities of all Persons enlisted, and to exempt such as they shall adjudge incapable of Service, and of all Delinquents returned by the Captains for Absence from Musters, or appearing without Arms, Powder, or Ball; and where any Person is returned a Delinquent to a Court Martial, and shall not be able, by Reason of Sickness, or other real Disability, to attend such Court, to give in his reasonable Excuse for such his Delinquency, it shall and may be lawful for the succeeding Court Martial to be held for such County, City, or Borough, wherein such Person shall be returned a Delinquent, upon such reasonable Excuse then offered, to remit such Fine or Fines levied by the preceeding Court Martial on such Person, and such Court shall and may, and they are hereby empowered to administer an Oath or Oaths to any Person or Persons for their better Information in the Premises, and to order the Fines inflicted by this Act, not otherwise directed, to be levied upon all Delinquents who shall not make out some just Excuse for not performing their Duty, and to order and dispose of all such Fines for buying Drums and Trophies

for the Use of the Militia of the County, and for supplying the Militia of the said County with Arms. And the said Courts shall have full Power, and are hereby required, to keep a Register of all their Proceedings, and for that Purpose to appoint a Clerk, and to administer an Oath to such Clerk well and faithfully to execute his Office, and to allow him such Salary for his Service, out of the said Fines, as they in their Discretion shall think reasonable; and after the holding of every such Court the Clerk shall make out Copies of all their Orders, and deliver the same within one Month next following the said Court to the Sheriff (a) of the County, who is hereby required to demand and receive the Money therein charged of the Person made chargeable therewith, and in Case of Non-Payment, on or before the tenth Day of *April* then next following, to levy the same by Distress and Sale of the Goods of the Person refusing, according to the Directions of the Laws now in Force enabling the Sale of Goods distrained for Rent. And where any Delinquent shall remove out of the County before he hath paid and satisfied all Fines laid on him in Pursuance of this Act, and shall not leave sufficient Effects in the County to satisfy the same, then the said Clerk shall send Copies of the said Courts Orders against such Delinquents to the Sheriff of the County into which he or they shall be removed; and such Sheriff is hereby empowered and required to collect, levy, and account for the same, in the Manner herein before directed.

A. D. 1757.

(a) See 3.
Geo. 3. (1762)
Cap. 1. Sect. 7.

XI. *AND be it further enacted, by the Authority aforesaid, that the several Persons herein after mentioned, failing to do their Duty in the Manner by this Act directed, shall forfeit and pay the several Sums following respectively, that is to say: The Lieutenant of any County, or the chief Commanding Officer there, failing to appoint a general Muster in the Months of *March* or *April*, and another in the Months of *September* or *October*, in every Year, not having a reasonable Excuse, shall for every such Failure forfeit and pay the Sum of twenty Pounds; every County Lieutenant, Colonel, Lieutenant Colonel, and Major, failing to appear at every such general Muster, or at the Court Martial, shall forfeit and pay ten Pounds for every such Failure; every Captain who shall fail to muster and exercise his Company four Times a Year, or oftener, if thereto required, shall forfeit and pay forty Shillings for every Time he shall so fail to muster and exercise, and every Captain failing to appear at every general Muster and Court Martial shall forfeit and pay five Pounds for every such Failure; every Lieutenant who shall fail to appear at any Muster shall forfeit and pay twenty Shillings for every such Failure, and every Ensign ten Shillings for every such Failure; and every Captain, or in his Absence the Lieutenant, failing to return a List of the Persons who shall not appear at Musters, or shall appear without Arms, Powder, and Ball, shall forfeit and pay ten Pounds for every such Failure; every Clerk failing to appear with Arms, Powder, and Ball, as is before directed, shall pay ten Shillings for every such Failure; every Soldier refusing to serve as a Sergeant, Corporal, or Drummer, being thereto required by his Captain, shall pay five Shillings for every Muster he shall so refuse; and every Soldier appearing at Muster without a Firelock well fixed, and a Bayonet fitted to the same, shall pay three Shillings for every such Failure, and for appearing at Muster without a double Cartouch Box shall pay one Shilling, and without three Charges of Powder shall pay two Shillings for every such Failure, and every Soldier failing to appear at Muster shall forfeit and pay ten Shillings for every such Failure: Provided, that no Person be fined above six Times in the Year for any particular Default. Every Soldier ordered to go armed to Church, neglecting so to do, shall pay five Shillings for every such Failure; and every Clerk of a Court Martial failing to deliver the Orders of the Court Martial to the Sheriff or Sheriffs, within the Time before limited, shall forfeit and pay fifty Pounds.*

Penalties.

XII. *AND be it further enacted, by the Authority aforesaid, that every Officer of the Militia within this Colony shall, at all Times that he acts on Duty at any private or general Muster, appear well armed, in the following Manner, that is to say: Every County Lieutenant, Colonel, Lieutenant Colonel, Major,*

Officers Accoutrements.

A. D. 1757.

with a Sword, and every Captain and Lieutenant with a Firelock and a Sword, and every Ensign with a cutting Sword, every Corporal and Sergeant with a cutting Sword and Halbert, under the Penalty of ten Shillings for every Time that every such Officer shall appear without such Arms; all which Fines shall be levied by the Court Martial directed to be held by this Act in such County, City, or Borough, wherein such Officers shall act as an Officer, and be appropriated to the same Uses as is before directed for the Appropriation of the Fines levied on the Soldiers of the Militia appearing unarmed.

Twelve
Months allow-
ed to provide
them.

XIII. *PROVIDED* nevertheless, that every such Officer shall have twelve Months allowed him, after his Promotion to such Office, for the furnishing the Arms as aforesaid, but in the mean Time shall appear with such of the said Arms as he already hath; and the same Fines and Penalties shall be paid by the Officers and Soldiers of the Militia in the City of *Williamsburg* and Borough of *Norfolk*, in Case of their failing or refusing to do and perform the several Services, and to appear armed and with Powder, in the same Manner as is by this Act required of the Officers and Soldiers of the Militia of the several Counties.

The same
Time allowed
the Soldiers.

XIV. *PROVIDED* also, and it is hereby enacted, that twelve Months shall be given and allowed to each Soldier, not already enlisted, to furnish and provide himself with Arms and Ammunition according to the Directions of this Act; and that no Soldier be fined for appearing without or not having the same at his Place of Abode until he hath been enlisted twelve Months as aforesaid, so as such Soldier do appear at all Musters during the said twelve Months with such Arms as he hath and is already furnished with. And if any Soldier shall appear at any Muster not armed, and with Ammunition according to the Directions of this Act, it shall and may be lawful for the Captain of the Company to which such Soldier shall belong to examine such Soldier, upon Oath, whether he hath any, and what Arms and Ammunition he really hath of his own Property; and if on such Examination it shall appear that such Soldier hath any Arms or Ammunition of his own Property, and hath not brought the same, or so much thereof as this Act requires, to such Muster, he shall be liable to the Penalties inflicted by this Act although he hath not been enlisted twelve Months. And where any Person enlisted pursuant to this Act, in any County, shall remove to another County, the Time for furnishing himself with Arms and Ammunition shall commence from the Time of his being first enlisted in the County from whence he removed.

Arms to be
free from Exe-
cutions, &c.

XV. AND for an Encouragement to every Soldier to provide and furnish himself according to the Directions of this Act, and his Security to keep his Arms and Ammunition when provided, *Be it further enacted, by the Authority aforesaid*, that the Arms and Ammunition provided and kept in Pursuance of this Act be free and exempted at all Times from being impressed upon any Account whatsoever, and likewise from being seized or taken by any Manner of Distress, Attachment, or Writ of Execution; and that every Distress, Seizure, or Execution, made or served upon any of the Premises, be unlawful and void, and that the Officer or Person who presumes to make or serve the same be liable to the Suit of the Party grieved, wherein double Damages shall be given upon a Recovery: And every Person going to, attending at, or returning from Muster shall be privileged and exempted from Arrests, and from being served with any other Process in any civil Action or Suit.

Persons going
to, or coming
from Musters,
exempted from
Arrests.

Miller.

XVI. *AND* be it further enacted, by the Authority aforesaid, that if any exempted Overseer or Miller shall presume to appear at any Muster, or in any Muster Field whatsoever, on the Day on which such Muster shall be appointed, the Party so offending shall, for every such Offence, forfeit and pay twenty Shillings; to be assessed upon him by the next Court Martial, upon a Certificate of the Offence to them made by the Captain or chief Officer present at such

Must, or the Information, on Oath, of any Person whatsoever, and levied, accounted for, and appropriated, in the same Manner as the other Fines ordered by the Court Martial. And that the Fines and Penalties incurred by Infants and Servants for the Breach or Neglect of their Duty, in any particular Service by this Act required of them, shall be paid by the Parent, Guardian, or Master, respectively; and if the Breach or Neglect of such Servants is not occasioned by their Masters Influence or Direction, then the Fines incurred by them, and so paid by the Master, shall be repaid to the Master by the further Service of such Servant after the Time they are bound to serve is expired, which shall be determined by the County Court, or the Court of Hustings in the City of *Williamsburg* or Borough of *Norfolk*, wherein either of the Parties reside, upon Complaint made to them thereof by such Master.

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Infants.

Servants.

XVII. *AND be it further enacted, by the Authority aforesaid, that if any Sheriff shall refuse to receive the Orders of any Court Martial offered to him by Virtue of this Act, or to collect and levy the Fines herein mentioned, such Sheriff, upon a Motion and Complaint thereof made to the County Court or General Court, shall be fined for every such Refusal one Hundred Pounds, to be appropriated in the same Manner as the other Fines last mentioned; and if any Sheriff shall take upon him such Collection, or receiving the said Orders shall fail to account for and pay what he shall have received by Virtue thereof to the Receiver to be appointed for that Purpose by the Court Martial, deducting six per Cent. only for his Commission in collecting and receiving, upon a Motion or Complaint made against him by the said Receiver or the commanding Officer of the Militia, to the County Court or General Court, such Court shall give Judgment and award Execution against him, his Executors or Administrators, for the same: Provided, that such Sheriff, his Executors or Administrators, have ten Days previous Notice of such Motion. And if any Receiver heretofore appointed, or hereafter to be appointed, hath failed, or shall fail, to account with the Court Martial when required, or to apply the Money by him received, or to be received, as he hath been or shall be directed by the Court Martial, that then, upon a Motion or Complaint made to the County Court, or Court of Hustings in the City of *Williamsburg* or Borough of *Norfolk*, respectively, by any Officer of the Militia against such Receiver, such Court shall give Judgment and award Execution against him, his Executors or Administrators, for the same, and cause the Money to be appropriated to the Uses directed by the Court Martial: Provided, that such Receiver, his Executors or Administrators, have ten Days previous Notice of such Motion. And if any Sheriff hath heretofore failed to account for and pay all Militia Fines collected by him, upon a Motion or Complaint made by the Receiver, or commanding Officer of the Militia of the County whereof he is or hath been Sheriff, to the General or County Court, such Court shall give Judgment and award Execution against him, his Executors or Administrators, for the same: Provided, Notice be given to such Sheriff, his Executors or Administrators, as aforesaid.*

Penalty on Sheriffs failing to collect.

XVIII. *AND be it further enacted, by the Authority aforesaid, that every Commission Officer in the Militia shall, before he acts under or executes any such Commission in the Court of his County, take the Oaths appointed by Law to be taken instead of the Oaths of Allegiance and Supremacy, the Abjuration Oath, and subscribe the same, with the Test; and that every County Lieutenant, Colonel, Lieutenant Colonel, Major, and Captain, at the Time of holding every Court Martial, before they hold the same, shall take the following Oath, which shall be first taken by the presiding Officer then present, and then be by him administered to the rest of the Officers, to wit:*

Officers to take the Oaths of Government.

I A. B. do swear that I will do equal Right and Justice to all Men, according to the Act of Assembly for the better regulating and disciplining the Militia.

Oath at Court Martial.

A. D. 1757.

And every Person accepting a Commission in the Militia who shall neglect or refuse to qualify himself to act under the same, by taking and subscribing the Oaths and Test before mentioned, within three Months after receiving his Commission, every such Person shall forfeit and pay the Sum of five Pounds.

Appropriation of Fines of County Lieutenants not appointing general Musters.

XIX. *AND be it further enacted*, that the Fine by this Act imposed on the Lieutenant, or chief commanding Officer of the Militia, for neglecting to order general Musters, shall be one Moiety to the Informer, and the other to and for the Use of the County, for providing Arms, and shall and may be recovered, with Costs, by Action of Debt or Information, in any Court of Record.

Penalties on Officers not attending Court Martial or general Muster, how recovered.

XX. *AND be it further enacted*, that if there be no Court Martial held the Penalties herein before inflicted on Officers not attending such Court Martial, or the General Muster, shall be recovered against the Officers failing to attend or appear, and collected in the same Manner as is herein before directed for recovering and collecting the Fines and Penalties laid on Officers failing to appoint general Musters.

Adjutant exempted from the Payment of Ferriages.

XXI. *AND be it further enacted, by the Authority aforesaid*, that every Adjutant for the Time being, with one Servant and their Horses, shall be exempt from the Payment of Ferriages at all publick and other Ferries within this Colony; and that the respective Ferrykeepers shall give them, and their Servants and Horses, immediate Passage at all such Ferries, as in the Case of publick Expresses, any Law or Custom to the contrary notwithstanding.

Repealing Clause.

XXII. *AND be it further enacted, by the Authority aforesaid*, that all and every other Act and Acts, and every Clause and Article therein contained, for the Settlement and Regulation of the Militia, or any other Matter or Thing within the Purview of this Act, shall be and is hereby repealed and made void, to all Intents and Purposes whatsoever.

Proviso.

XXIII. *PROVIDED nevertheless, and be it enacted, by the Authority aforesaid*, that nothing herein contained shall be construed so as to discharge or excuse the Militia established by the Act of Assembly made in the twenty ninth Year of his present Majesty's Reign, intituled *An Act for the better regulating and training the Militia*, from conforming to the several Rules, and performing the several Duties, in the said Act directed, but that the said Militia shall continue on such Establishment until they are enlisted according to the Directions of this Act; and that the several Penalties incurred by any Offender or Delinquent in the before recited Act shall be inquired into, and the Fines thereupon arising assessed by the Court Martial appointed to be held in Pursuance of this Act; and that all such Fines shall be levied on such Offenders or Delinquents, and appropriated and accounted for in the same Manner as is herein before directed for any other Fines or Penalties; and that the several County Courts shall have full Power and Authority to levy in their respective County Levies the Charges and Expenses for all such Arms as have been by them purchased or sent for to *Great Britain*, by the Directions of the before recited Act.

How far this Act does not extend to Williamsburg and Norfolk.

XXIV. *PROVIDED always*, that nothing in this Act contained shall extend, or be construed to extend, to the Inhabitants of the City of *Williamsburg* or Borough of *Norfolk*, so as to oblige them to muster or serve in the Militia out of the said City or Borough, but that such Inhabitants shall be enlisted and trained in Manner as is directed by the Acts of Assembly made in the ninth and twelfth Years of the Reign of his late Majesty King *George the first*, intituled *An Act for enlarging the Jurisdiction of the Court of Hustings in the City of Williamsburg within the Limits thereof*, and *An Act to prevent the Inhabitants of the Borough of Norfolk from being compelled to serve in the Militia of the County of Norfolk*,

and to exempt Sailors or Seamen in actual Pay on Board any Ship or Vessel from serving in the Militia, any Thing in this Act to the contrary notwithstanding. And whereas the Method by the said recited Acts prescribed for fining Delinquents in the Militia of the said City or Borough hath been found inconvenient, for Remedy whereof,

A. D. 1757.

XXV. *BE it further enacted, by the Authority aforesaid,* that from and after the passing of this Act the Colonel, Major, and Captains, of the Militia of the said City of *Williamsburg* and Borough of *Norfolk*, or the major Part of them (whereof the Colonel or Major shall be one) shall, and they are hereby empowered and required to hold a Court Martial at the Courthouses of the said City and Borough respectively, in the same Manner, and for the same Purposes, as the Courts Martial are by this Act directed and appointed to be held in the Counties, any Thing in the said recited Acts to the contrary notwithstanding.

To hold a Court Martial in *Williamsburg* and *Norfolk*.

XXVI. *AND be it further enacted,* that the Colonel, or chief Commanding Officer of the said City or Borough, shall not, by Virtue of the two last recited Acts, be suffered to enlist in the Militia of the said City or Borough any Persons that are Officers of the Militia in the Counties wherein such City or Borough shall lie.

Officers of the Militia of any other Place not to be enlisted in *Williamsburg* and *Norfolk*.

XXVII. *AND for establishing a better Method of appointing Patrollers, and for declaring their Duty therein, Be it enacted, by the Authority aforesaid,* that it shall and may be lawful for the chief Officer of the Militia in every County, and he is hereby required, some Time before the tenth Day of *June* yearly, to appoint an Officer, and so many Men of the Militia as to him shall appear to be necessary, not exceeding four, once in every Month, or oftener, if thereto required by such chief Officer, to patrol and visit all Negro Quarters, and other Places suspected of entertaining unlawful Assemblies of Slaves, Servants, or other disorderly Persons as aforesaid unlawfully assembled, or any other strolling about from one Plantation to another without a Pass from his or her Master, Mistress, or Overseer, and to carry them before the next Justice of the Peace, who if he shall see Cause is to order every such Slave, Servant, Stroller, or other disorderly Person as aforesaid, to receive any Number of Lashes not exceeding twenty on his or her bare Back, well laid on; and in Case one Company of Patrollers shall not be sufficient, to order more Companies for the same Service. And after every Patrol the Officer of each Party shall return to the Captain of the Company whereunto he belongs a Report in Writing, upon Oath (which Oath such Captain is hereby empowered to administer) of the Names of those of his Party who were upon Duty, and of the Proceedings in such Patrol; and each Captain shall once in every Month deliver such Patrol Returns to the County Lieutenant, or other chief Commanding Officer in his County, by whom they shall be certified and delivered to the next Court Martial, and if they shall adjudge the Patrollers have performed their Duty according to Law, the chief Officer shall certify the same to the County Court, who upon such Certificate are hereby empowered and required, at the laying of their County Levy, to allow to, and levy for, every one of the Patrollers, ten Pounds of Tobacco for every Day or Night they shall so patrol; and, moreover, such Patrollers shall be exempt from the Payment of publick, County, and Parish Levies, for their own Persons, for those Years in which they shall be employed in that Service.

Patrollers.
7 Geo. 3.
(1766) Cap. 7.
their Duty altered.

XXVIII. *AND be it further enacted, by the Authority aforesaid,* that if the chief Officer of the Militia in any County shall fail to appoint Patrollers, according to the Directions of this Act, such Officer shall forfeit and pay the Sum of five Pounds, and every Person appointed to patrol in Pursuance of this Act failing to do his Duty therein shall pay the Sum of five Shillings for every such Failure, which Fines shall be laid by the Court Martial of the County, and shall be collected, levied, accounted for, and appropriated, as is herein before directed

Penalties.

A. D. 1757.

for the collecting, levying, accounting for, and appropriating the several Fines and Penalties herein before laid; and in like Manner the chief Officer of the Militia in the aforesaid City of *Williamsburg* and Borough of *Norfolk* shall appoint all the Persons of their Militia to patrol within the said City and Borough, or within Half a Mile of the Limits thereof, by Turns, in such Numbers, and at such Times, as they shall think necessary, which Officers and Patrollers shall be subject to the same Fines and Penalties, and to be recovered and appropriated in the same Manner, as is herein before directed in the Case of Patrollers in the Counties.

This Act
may be given
in Evidence.

XXIX. *AND be it further enacted, by the Authority aforesaid, that if any Action shall hereafter be brought in any Court of this Colony against any Person or Persons appointed to patrol pursuant to this Act, for any Matter or Thing done by him or them in the Execution of their Duty as Patrollers, it shall and may be lawful to and for every Person and Persons against whom such Action or Suit shall be brought to plead the General Issue, and give the special Matter in Evidence on the Trial; and if any Judgment shall be given for the Defendant, or if the Plaintiff shall become nonsuit, or discontinue his Suit, then the Defendant shall recover treble Costs.*

Continuance.

XXX. *AND be it further enacted, by the Authority aforesaid, that this Act shall commence and be in Force, from and after the passing thereof, for and during the Term of three Years. (a)*

C H A P. II.

An Act for reducing the several Acts for making Provision against Invasions and Insurrections into one Act.

Governour
may order out
the Militia.

I. **W**HEREAS it is necessary that the several Acts of Assembly relating to Invasions and Insurrections should be reduced into one Act, *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that upon any Invasion of an Enemy by Sea or Land, or upon any Insurrection, the Governour, or Commander in Chief for the Time being, shall have full Power and Authority to levy, raise, arm, and muster, such a Number of Forces out of the Militia of this Colony as shall be thought needful for repelling the Invasion or suppressing the Insurrection, or other Danger; and the same to lead, conduct, march, transport, and employ, or by his Lieutenants, Commanders, or other Officers by him commissioned, to cause to be led, conducted, marched, transported, and employed, as well within the several Counties and Places to which they belong as into any other Counties and Places within this Dominion, for the suppressing and repelling of all such Invasions and Insurrections, and such Forces again to discharge and disband as the Cause of Danger ceases.*

Officers Duty.

II. *AND be it further enacted, by the Authority aforesaid, that every Officer of the Militia to whom Notice shall be given of any Invasion or Insurrection shall raise the Militia under his Command, and send Intelligence to the County Lieutenant, or in his Absence to the chief Commanding Officer in the County, and shall moreover immediately proceed to oppose the Enemy according to the Orders he shall receive from his chief Commanding Officer, until further Orders arrive from the Governour or Commander in Chief of this Dominion for the Time being; and such County Lieutenant, or chief Commanding Officer, shall give immediate Notice to the Officers of the Militia of the next adjacent Counties of*

(a) By 7 Geo. 3. (1766) Cap. 18. continued for four Years, &c.

such Invasion or Insurrection, and the Situation and Circumstances of the Enemy, according to the best of his Information and Judgment, and such Officer to whom such Notice shall be given, if not the chief Commanding Officer of the County, shall give immediate Notice to his Commanding Officer of the Information that he shall receive, who shall immediately raise the Militia of his County, and march Part thereof, not exceeding two Thirds, against such Enemy, if the Circumstances of the Case shall require it, which shall be inquired into by a Council of his Field Officers and Captains, or the major Part of them, which Council every such Commanding Officer is hereby empowered and required forthwith to summon and hold; and such Commanding Officer shall cause the remaining Part of his Militia, not so marched, to remain in Arms in the County, for the Defence and Protection thereof, until he shall receive Orders from the Governour or Commander in Chief as aforesaid: And every County Lieutenant, or chief Commanding Officer, in any County, to whom such Intelligence shall be given of any Invasion or Insurrection, shall forthwith despatch an Express to the Governour or Commander in Chief as aforesaid, notifying the Danger, and shall therewith signify in the best Manner he can the Strength and Motions of the Enemy; and for that Purpose such County Lieutenant, or chief Commanding Officer, shall have full Power to impress Boats and Hands, Men and Horses, as the Service may require, for the Despatch of such Intelligence.

A. D. 1757.

III. *AND be it further enacted, by the Authority aforesaid,* that any Officer receiving Information of any Invasion or Insurrection, from any Officer of an adjacent County, in the Manner herein before expressed, that shall refuse to raise his Militia, and call a Council of his Field Officers and Captains, for the Determination of what is necessary to be done on such Information, shall forfeit and pay the Sum of two Hundred Pounds; and every Officer summoned to such Council as aforesaid, that shall refuse to attend the same, shall forfeit and pay the Sum of fifty Pounds.

Penalty on Officers refusing to raise the Militia.

IV. *AND be it further enacted, by the Authority aforesaid,* that if any Officer of the Militia who, upon Occasion of any Invasion or Insurrection, shall receive any Orders or Instructions from the Governour, or Commander in Chief for the Time being, or from any other his superiour Officer, either for calling together the Soldiers or marching them to any particular Place, shall neglect or refuse to execute such Orders or Instructions in the best Manner he is capable, every such Officer so neglecting or refusing shall respectively forfeit and pay the Sums following, that is to say: Every Lieutenant of a County the Sum of two Hundred Pounds, every Colonel the Sum of two Hundred Pounds, every Lieutenant Colonel the Sum of two Hundred Pounds, every Major the Sum of one Hundred Pounds, every Captain the Sum of seventy five Pounds, every Lieutenant the Sum of fifty Pounds, every Ensign the Sum of twenty five Pounds, every Sergeant or Corporal twenty Pounds, and every Soldier who shall be summoned to appear upon any such Occasion, and shall fail so to do, or shall fail to bring with him his Arms, with one Pound of Powder and four Pounds of Ball, or shall refuse to march, shall forfeit and pay the Sum of twenty Pounds; and if any Officer or Soldier, during the Time the Militia shall be employed for suppressing any Invasion or Insurrection under this Act, shall desert the said Service, or raise any Mutiny or Sedition in the Company to which he belongs, or any other Company in the said Service, or coming to the Knowledge of any such Mutiny, or intended Mutiny, shall not give Information thereof to his Commanding Officer, and use his utmost Endeavour to suppress the same, shall suffer such corporal Punishment as shall be inflicted on him by a Court Martial, to consist of the Field Officers and Captains then present, not extending to Life or Member. And every Person holding Correspondence with or giving Intelligence to the Enemy, during the Time such Militia is employed for suppressing such Invasion or Insurrection, shall suffer Death as in Cases of Felony, without Benefit of Clergy, upon being thereof awfully convicted before the General Court of this Colony.

Penalty on Officers and Soldiers failing to do their Duty.

A. D. 1757.
Court Marti-
al to take an
Oath.

V. *AND be it further enacted, by the Authority aforesaid, that in all Trials of Offenders, by any Court Martial to be held by Virtue of this Act, every Officer present at such Trial, before any Proceedings be had thereupon, shall take the following Oath (which the presiding Officer then present shall first take himself, and then administer to the others) that is to say:*

The Oath.

I A. B. do swear that I will well and truly try and determine according to the Evidence in the Matter now before me between our Sovereign Lord the King and the Prisoner to be tried, and that I will duly administer Justice according to the Act of Assembly intituled An Act for reducing the several Acts for making Provision against Invasions and Insurrections into one Act, without Partiality, Favour, or Affection; and that I will not, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court Martial, unless required to give Evidence thereof as a Witness by a Court of Justice in a due Course of Law.

So help me God.

And that such Court Martial shall have Power to appoint a Clerk to keep a Register of their Proceeding, to whom the President of the Court shall administer the following Oath, to wit:

Clerk's Oath.

YOU shall swear that you will not, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court Martial, unless required to give Evidence thereof as a Witness by a Court of Justice in due Course of Law.

So help you God.

Penalty on
Misbehaviour.

VI. *AND be it further enacted, by the Authority aforesaid, that if any inferiour Officer or Soldier, during the Time the Militia shall be employed for suppressing any Invasion or Insurrection as aforesaid, shall disobey the lawful Commands of his superiour Officer, or behave himself refractorily, every Officer so offending shall pay such Fine, not exceeding fifty Pounds, and every Soldier so offending shall pay such Fine, not exceeding five Pounds, as by a Court Martial to be held as aforesaid shall be imposed; and if any Soldier shall fail or refuse to pay down such Fine immediately to his Commanding Officer, or give sufficient Security to pay the same within three Months, then such Soldier shall receive thirty nine Lashes on his bare Back, well laid on. And if any inferiour Officer or Soldier, during the Time the Militia shall be employed as aforesaid, shall be guilty of profane Swearing, Drunkenness, or any other the like Offence, every Person so offending shall, upon Conviction thereof before a Court Martial to be held as aforesaid, pay five Shillings for every Offence, so that the same at any one Time doth not exceed twenty Shillings; and if any Soldier shall fail to pay the same, or give Security as aforesaid, he shall for every of the said Offences receive five Lashes on his bare Back, well laid on, so that the same at any one Time doth not exceed twenty Lashes. And no Person shall be subject to a second Trial for the same Offence, after he hath been once condemned or acquitted thereof.*

This given in
Evidence on
General Issue.

VII. *AND be it further enacted, by the Authority aforesaid, that if any Officer shall be sued for any Thing by him done in Pursuance of this Act, it shall and may be lawful for such Officer to plead the General Issue, and to give the special Matter and this Act in Evidence.*

Where Offi-
cers deliver up
their Commis-
sion.

VIII. *AND be it further enacted, by the Authority aforesaid, that if any Officer of the Militia shall, upon receiving the Orders of the Governour or Commander in Chief, or any his superiour Officer, for raising and marching the Militia according to this Act, deliver up his Commission, thereby intending to avoid the*

Force of this Act, and the Punishment for disobeying such Orders, every such Officer so offending shall be liable to the same Penalty as by this Act is inflicted for disobeying or neglecting such Orders, and shall be immediately enlisted as a common Soldier by the next Officer acting in Command.

A. D. 1757.

IX. *AND be it further enacted, by the Authority aforesaid,* that when any Forces shall be raised out of the Militia of this Colony, according to the Directions of this Act, it shall and may be lawful for any commissioned Officer commanding any Part of the same, by Warrant under the Hand and Seal of any County Lieutenant, Colonel, Lieutenant Colonel, or Major, to impress and take up at the publick Charge necessary Provisions of and from any Person or Persons, and to impress and take up Sloops and Boats necessary for the Transportation of Forces over Rivers and Creeks, or the main Bay of *Chesapeake*, together with the Rigging, Tackle, Furniture, and Apparel, belonging thereunto, and also all Manner of Carts, Waggon, Draught Horses or Oxen, or other Conveniences for the Land Carriage of Provisions, great Guns, Arms, and Ammunition, from Place to Place, and likewise any Manner of Utensils, Tools, or Instruments, which shall or may be wanted for digging or intrenching, or towards mounting the great Guns, and making them useful; and further, that it shall and may be lawful, by Warrant as aforesaid, to impress able and fit Men to go in Sloops or Boats, and also any Smith, Wheelwright, Carpenter, or other Artificer whatsoever, which shall be thought useful for the fixing of Arms, making Carriages for great Guns, or doing any other Work whatsoever, where Need shall be of such Artificer.

Where Officers may impress.

X. *PROVIDED always,* that it shall not be lawful to make Use of any Provisions, Utensils, Tools, or Instruments, so impressed or taken up, until Appraisement thereof hath been made in Money by two good and lawful Men upon Oath, one whereof to be chosen by the Proprietor of such Provisions or other Thing or Things so impressed, and the other by the Commanding Officer present, which said Officer is hereby empowered to administer such Oath to the Persons so appointed to appraise the same; nor of any Sloop, Boat, Cart, Waggon, Horses, or Oxen, until such Appraisement made of the same; with the Appurtenances belonging thereunto, and also an Estimate made by the same Men of a suitable Allowance in Money by the Day for the Use of such Sloop, Boat, Cart, or Waggon, with the Draught Horses or Oxen, and Appurtenances thereto belonging; which every Person so impressing is hereby required to cause to be made, and to give a Receipt to the Owner of every Particular by him impressed and taken up, and a Certificate how and by whom the same was appraised and estimated, and for what Use and Service impressed, upon Pain of being liable to the Penalty of twenty Shillings, and moreover to the Action of the Party grieved for unlawful Seizure.

Where there must be an Appraisement.

XI. *AND for the better Discovery of the Approach of Enemies by Sea,* It is hereby further enacted, that in each of the Counties of *Elizabeth City, Princess Anne, Accomack, and Northampton*, at such Times and Places as the Governour or Commander in Chief of this Dominion shall think fit to direct, any Number of Men, not exceeding six, be appointed by the chief Officer of the Militia in each of the said Counties respectively, which Men shall keep a constant Lookout to Seaward by Night and by Day, and diligently observe the Courses and Motion of all such Ships or Vessels as they or either of them shall discover upon the Coast; and if, upon such Observation, such Person shall suspect the said Ships or Vessels to belong to an Enemy, he shall immediately give Notice thereof to the next Field Officer in his County, who is thereupon to transmit an Account thereof to the Governour or Commander in Chief, and to the County Lieutenant or chief Commanding Officer of the Militia in the said County.

Lookouts.

XII. *AND be it further enacted, by the Authority aforesaid,* that there shall be raised and paid by the Publick to the Officers and Soldiers drawn out into

The Pay of Officers and Men.

A. D. 1757.

actual Service by Virtue of this Act, and to the Lookouts, after the Rates following, to wit: To the County Lieutenant, or Commander in Chief, ten Shillings *per* Day; a Colonel, Lieutenant Colonel, each ten Shillings *per* Day; Major, eight Shillings *per* Day; Captain, six Shillings *per* Day; Lieutenant, three Shillings *per* Day; Ensign, two Shillings *per* Day; Sergeant and Corporal, each one Shilling and fourpence *per* Day; Drummer, one Shilling and twopence *per* Day; Soldier, one Shilling *per* Day; and to a Lookout, after the Rate of thirty Shillings *per* Month.

Of Wheel-
wrights and
other Artificers

XIII. *AND be it further enacted, by the Authority aforesaid, that every Smith, Wheelwright, Carpenter, or other Artificer, and all Watermen employed in the Service, as by this Act is directed, shall be paid and allowed by the Publick after the Rates following, to wit: Every Smith, four Shillings per Day; Wheelwright, three Shillings per Day; Carpenter, three Shillings per Day; and Waterman, one Shilling and Sixpence per Day: And where any Sloop, Boat, Waggon, or Cart, impressed and appraised according to the Directions of this Act, shall be damaged, or Horse or Ox hurt, the Damage of the same shall inquired into by two good and lawful Men on Oath, to be appointed as is before directed for appraising; and if the Proprietor shall refuse to appoint Persons to appraise or value the Goods so impressed, it shall and may be lawful for the Commanding Officer then present to appoint both Persons to make such Inquiry, and to administer to them an Oath for that Purpose, and the Difference between the Appraisement and Valuation, when discharged, shall be paid by the Publick to the Proprietor of such Sloop, Boat, Waggon, Cart, Horse, or Ox.*

Batteries.

XIV. *AND to the End a sufficient Number of Men may be appointed for guarding the Batteries erected in the several Rivers of this Dominion, and to assist in the better managing the great Guns there mounted, when Occasion shall be, It is hereby further enacted, that it shall be lawful for the Governour, or Commander in Chief of this Dominion for the Time being, to appoint and assign such a Number of the Militia as he shall think fit to attend the said Batteries, under the Command of such Officer or Officers, and under such Order and Discipline, as he shall appoint and direct, which Number of the Militia shall be draughted out of any of the Militia of the County by the Commanding Officer of such County in which such Battery is or shall be erected, and shall be exempted from all private Musters, except at such Battery only, during their Attendance at such Battery; and if any Soldier, draughted as aforesaid, shall refuse to enter upon the said Service, or shall refuse to obey the Commands and Orders of the Commanding Officer at such Battery, every Soldier so offending shall forfeit and pay three Pounds, or receive thirty nine Lashes on his bare Back, well laid on, for every such Refusal, upon Conviction thereof before a Court Martial to be held as aforesaid.*

Embezzling
Arms.

XV. *AND whereas it may be necessary in Time of Danger to arm Part of the Militia, not otherwise sufficiently provided out of his Majesty's Magazine, and other Stores within this Colony, Be it further enacted, by the Authority aforesaid, that if any Person or Persons, so armed out of his Majesty's Stores, shall detain or embezzle any Arms or Ammunition to him or them delivered for the publick Service, and shall not produce and redeliver the same when ordered and required so to do, it shall be lawful for the respective County Lieutenants, or chief Commanding Officers, within their Counties, by Warrant under his or their Hands, to commit such Offender to Prison, there to remain till he shall make Satisfaction for the Arms or Ammunition by him detained or embezzled.*

The Number
of Officers to
the respective
Companies.

XVI. *AND be it further enacted, by the Authority aforesaid, that where any Commanding Officer of the Militia shall, in Pursuance of this Act, be obliged to raise any of the Militia of his County, such Officer shall not depute any greater Number of inferiour Officers to act upon Duty than is herein after expressed,*

that is to say: Not more than one Captain, one Lieutenant, one Ensign, three Sergeants or Corporals, and one Drummer, for every fifty Soldiers, and so in Proportion for a greater Number; and for every Company consisting of thirty Men, not more than one Lieutenant, one Ensign, and two Sergeants; and for every Company not exceeding fifteen Men, not more than one Ensign and one Sergeant; and that every Commanding Officer shall, together with the Officer of the Company by him raised and sent out as aforesaid, certify to the succeeding Assembly a distinct List of the Number of such Company and Officers acting under him, together with the Time that they shall have been upon actual Duty, which Certificate shall be attested upon Oath by the chief Officer of such Company before any Justice of the Peace of the County in which such Company shall be raised. And if any Commanding Officer shall presume to order out a greater Number of inferiour Officers than are herein before expressed, according to the Proportion of Soldiers aforesaid, the Pay of such supernumerary Officers shall be levied on such Commanding Officer.

A. D. 1757.

XVII. *PROVIDED* always, that when any Part of the Militia raised by Virtue of this Act shall be discharged within two Days no Pay or Allowance shall be given for the same, but every Person shall bear his own Charges; and when they shall be kept in Service above two Days, then the whole Time shall be paid for and allowed as aforesaid.

No Pay where they serve only two Days.

XVIII. *AND* whereas Officers and Soldiers may mutiny or desert the Service, and cannot be apprehended, so as to be tried by a Court Martial, according to the Directions of this Act: That such Offenders may not go unpunished, *Be it enacted, by the Authority aforesaid*, that when any of the said Offenders cannot be apprehended so as to be tried by a Court Martial, as this Act directs, it shall and may be lawful for any Court of Record within this Dominion, upon Complaint made to them by any Commanding Officer of the Militia, and they are hereby required and empowered, to cause every such Offender to be apprehended and brought before them, and to take Cognizance of the said Offence or Offences; and upon Conviction to impose such Fine, or inflict such corporal Punishment, not extending to Life or Member, upon every such Offender, as shall be thought reasonable.

Mutiny and Desertion.

XIX. *AND* be it further enacted, by the Authority aforesaid, that when the Militia of any County shall be drawn out into actual Service by Virtue of this Act every Officer and Soldier of such Militia shall be exempted from all Process in any Cause or Suit whatsoever (other than for some criminal Matter) and his Estate privileged from all Executions, Attachments, and Distresses whatsoever; and that if any Suit shall be depending in any Court whatsoever, in which any Officer or Soldier so drawn out as aforesaid shall be a Party, either Plaintiff or Defendant, the same shall be stayed, and no Proceedings be had or taken therein during the Time such Officer or Soldier shall continue in such Service.

Militia drawn out exempt from civil Process.

XX. *AND* be it further enacted, by the Authority aforesaid, that for any Message sent according to the Directions of this Act, either by Land or Water, the same Allowance shall be made as is by Law given for other publick Expresses.

Pay of Messengers.

XXI. *AND* be it further enacted, by the Authority aforesaid, that this Act shall be published at every general Muster during the Continuance thereof, by Order of the County Lieutenant or chief Officer of the Militia then present, under the Penalty of ten Pounds for every Neglect.

This Act to be published at every general Muster.

XXII. *AND* be it further enacted, that all the Fines inflicted by this Act, and not otherwise directed, shall be one Half to our Sovereign Lord the King, for and towards supplying with Arms the Militia of the County to which the Offender belongs, and the other Half to the Informer; to be recovered, with

Appropriation of Fines.

A. D. 1757. Costs, by Action of Debt or Information, in any Court of Record within this Dominion.

Repealing
Clause.

XXIII. *AND be it further enacted, by the Authority aforesaid, that all and every other Act and Acts, Clause and Clauses, heretofore made for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed; and that this Act shall commence and be in Force, from and after the passing thereof, for and during the Term of two Years. (a)*

C H A P. III.

An Act for preventing fraudulent Gifts of Slaves. (b)

I. **W**HEREAS many Frauds have been committed by Means of secret Gifts made of Slaves, by Parents and others, whereby Creditors and Purchasers have been frequently involved in expensive Lawsuits, and often deprived of their just Debts and Purchases, to their great Prejudice and Injury: For Prevention whereof, for the future, *Be it enacted, by the Lieutenant Governor, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that from and after the passing of this Act no Gift of any Slave or Slaves shall be good or sufficient to pass any Estate in such Slave or Slaves, to any Person or Persons whatsoever, unless the same be given by Will duly proved and recorded, or by Deed or Instrument of Writing to be proved by two Witnesses at the least, or acknowledged by the Donor and recorded in the General Court, or the Court of the County where one of the Parties lives, within eight Months after the Date of such Deed or Writing.*

Gift must be
in Writing, and
recorded, &c.

Gifts made
before this Act.

II. *AND be it further enacted, by the Authority aforesaid, that all Gifts without Deed or Writing of any Slave or Slaves, heretofore made by any Person or Persons now living and being in this Colony, shall within eight Months after the passing of this Act be reduced into Writing, and proved by two Witnesses, or acknowledged by the Donor, and recorded in the General Court, or the Court of the County where one of the Parties lives; and all and every Gift or Gifts of any Slave or Slaves not made in Writing, and recorded, according to the Directions of this Act, shall be void and of no Effect, any Law, Custom, or Usage, to the contrary notwithstanding.*

Where the
Donor refuses
to make a
Deed, &c.

III. *AND be it further enacted, that if any Person or Persons who before the making of this Act have made any verbal Gift of any Slave or Slaves before Evidence or Evidences, and shall be unwilling or refuse to make a Deed or Instrument of Writing, expressing such Gift, in Order that the same may be recorded according to the Directions of this Act, in such Case it shall and may be lawful for the Donee, his Agent or Attorney, and if the Donee shall be an Infant, his Guardian or next Friend, to summon the Evidence or Evidences present at the making such Gift to the Court of the County where the Donor shall live, of which the Donor shall have ten Days Notice given him before the Sitting of the said Court, there to give Testimony of such Gift before such Court, which Testimony, together with the Proof of the Notice given to the Donor as aforesaid, shall be by the Order of such Court recorded, and shall operate in the same Manner, and be as effectual to establish such Gift, as any Deed or Writing to be made and recorded as aforesaid.*

(a) By 7 Geo. 3. (1766) Cap. 1. continued for three Years.

(b) Amended 32 Geo. 2. (1758) Cap. 1.

A. D. 1757.

Fee for re-
cording a
Deed

IV. *AND be it further enacted, by the Authority aforesaid, that no Clerk of any Court within this Colony shall demand more than twenty Pounds of nett Tobacco for the recording of any Deed or Instrument of Writing made in Pur-
suance of this Act.*

C H A P. IV.

An Act for appointing several new Ferries, and for other Purposes therein mentioned. (a)

I. *BE it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that publick Ferries be constantly kept at the Places hereafter named, and that the Rates for passing the said Ferries be as follows, that is to say: From the Land of Edward Lynch, in the County of Bedford, over the Fluvanna, at the Mouth of Blackwater Creek, to the Land of Micajah Moorman, in the County of Albemarle, the Price for a Man threepence, and for a Horse the same; from the Land of William Cabbell, in the County of Albemarle, over the upper Ford of Rockfish River, to the Land of Allen Howard, the Price for a Men twopence, and for a Horse twopence; from the Land of George Brett, in the County of Prince William, over Potowmack River, to the Land of Roger Chamberlayne, in the Province of Maryland, the Price for a Man one Shilling and Sixpence, and for a Horse the same; from the Land of Josias Clapham, in the County of Fairfax, over Potowmack River, to the Land on either Side Monochisey Creek, in the Province of Maryland, the Price for a Man fourpence, and for a Horse the same; from the Land of Thomas Anderson, in the County of Lunenburg, on Roanoke River, to the Land of James Mitchell, and from the Land of the said Mitchell to the Land of the said Anderson, the Price for a Man threepence, and for a Horse the same; from the Land of John Bryant, in the County of Albemarle, over the Rivanna River, where the main Road crosses the same, to the Land of Edward Pye Chamberlayne, the Price for a Man twopence, and for a Horse the same. And for the Transportation of Wheel Carriages, Tobacco, Cattle, and other Beasts, the Ferrykeeper may demand and take the following Rates: For every Coach, Chariot, or Waggon, and the Driver thereof, the same as for six Horses; for every Cart or four Wheel Chaise, and the Driver thereof, the same as for four Horses; for every two Wheel Chaise, or Chair, the same as for two Horses; for every Hogshead of Tobacco, the same as for one Horse; for every Head of nett Cattle, the same as for one Horse; for every Sheep, Goat, Hog, and Lamb, one fourth Part of the Ferriage of one Horse, according to the Prices herein before settled at such Ferry respectively, and no more.*

II. *AND be it further enacted, by the Authority aforesaid, that from and after the passing this Act it shall and may be lawful to and for the Ferrykeeper at May's (now Booker's) on Staunton River, in the County of Halifax, to demand and take for the Transportation of a Man over the said Ferry threepence, and for a Horse threepence, any Law, Usage, or Custom, to the contrary, in any Wise notwithstanding.*

III. *AND be it further enacted, by the Authority aforesaid, that the Act of Assembly made in the twenty second Year of his present Majesty's Reign, intituled An Act for the Settlement and Regulation of Ferries, and for Despatch of publick Expresses, as to so much thereof as relates to the Ferries thereby esta-*

(a) See 22 Geo. 2. (1748) Cap. 11. with Notes subjoined.

A. D. 1757.

blished from *Henry Cary's* Land, over *James River*, to the Land of the said *Cary*, from the Land of Colonel *Richard Bland*, in the County of *Prince George*, to the Land of Mrs. *Anderson*, in the County of *Charles City*, and from the Land of *William Pride*, called the *Store Landing*, in the County of *Henrico* (now *Chesterfield*) to *Anthony's Landing*, in the County of *Prince George*, shall be, and the same is hereby repealed and made void.

IV. *PROVIDED* always, that the Execution of this Act shall be suspended until his Majesty's Approbation thereof be first had and obtained.

C H A P. V.

An Act to explain an Act intituled Vestries appointed. (a)

I. **W**HEREAS by an Act of the General Assembly made in the thirteenth Year of the Reign of his Majesty King *Charles* the Second, intituled *Vestries appointed*, it is enacted that twelve of the most able Men of each Parish be by the major Part of the said Parish chosen to be a Vestry, out of which Number the Minister and Vestry to make choice of two Churchwardens yearly, as also in Case of the Death of any Vestryman, or his Departure out of the Parish, that the said Minister and Vestry make Choice of another to supply his Room.

II. **AND** whereas it is doubted whether any Vestryman chosen pursuant to the said Act can resign his Office, for explaining whercof, *Be it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same*, that it shall and may be lawful to and for any Vestryman to resign his Place in the Vestry, and for the remaining Vestrymen to elect and choose another Vestryman in the Room of such Vestryman so resigning; and that every Vestryman hereafter to be elected, instead of the Oaths appointed to be taken by the said Act, shall, before he be admitted to act as a Vestryman, take the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy, and take and subscribe the Oath appointed to be taken by an Act of Parliament made in the first Year of the Reign of his late Majesty King *George* the first, intituled *An Act for the further Security of his Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants, and for extinguishing the Hopes of the pretended Prince of Wales, and his open and secret Abettors*, and repeat and subscribe the Test in the Court of the County where he shall reside, and shall also subscribe in Vestry to be conformable to the Doctrine and Discipline of the Church of *England*, any Thing in the said before mentioned Act to the contrary in any Wise notwithstanding.

C H A P. VI.

An Act to enlarge the Power of the Corporations of the City of Williamsburg and Borough of Norfolk, and for other Purposes therein mentioned. (b)

I. **W**HEREAS his late Majesty King *George* the first, of blessed Memory, by his Royal Charter, bearing Date, under the Seal of this Colony, the twenty eighth Day of *July*, in the eighth Year of his Reign, was graciously

(a) See 13 Car. 2. (1661) Cap. 2. with Notes subjoined.

(b) See 4 Ann. (1705) Cap. 9. with Notes subjoined.

pleased to grant to the Inhabitants of *Williamsburg* that the same should be a City incorporate, consisting of a Mayor, Recorder, six Aldermen, and twelve Common Councilmen, and was further pleased, amongst other Things, to give and grant to the said Mayor, Recorder, Aldermen, and Common Councilmen, of the said City, and to their Successors, for ever, full and free Power and Authority to have, hold, and keep, two Markets weekly, in some convenient Place in the said City, to be by them appointed, that is to say on every *Wednesday* and every *Saturday* in the Week, and by a Charter passed under the great Seal of this Colony, bearing Date, at *Williamsburg*, the fifteenth Day of *September*, in the tenth Year of his present Majesty's Reign, the Town of *Norfolk* is erected into a Borough, by the Name of the Borough of *Norfolk*, and the Inhabitants thereof are made a Body corporate, consisting of a Mayor, Recorder, eight Aldermen, and sixteen Common Councilmen, with Capacity, amongst other Things, to hold and keep three Markets weekly, that is to say on *Tuesday*, *Thursday*, and *Saturday*, in every Week; and whereas it hath been found very inconvenient for the Inhabitants of the said City and Borough not to hold a Market oftener, and Application hath been made to the Honourable *Robert Dinwiddie*, Esquire, his Majesty's Lieutenant Governour and Commander in Chief of this Colony, for Leave to pass an Act *To enlarge the Power of the Corporations of the said City and Borough, with Respect to their Markets*, and he hath been pleased to give his Consent thereto: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same*, that it shall and may be lawful to and for the Mayor, Recorder, Aldermen, and Common Councilmen, of the said City and Borough, respectively, and their Successors, to appoint such Days for holding a Market in the said City and Borough, in every Week, as they shall think proper, and to set such Toll on all such Cattle, Goods, Wares, and Merchandises, and other Commodities as shall be sold in the said Markets, as they shall think reasonable, not exceeding the several Sums mentioned in the said Charters.

A. D. 1757.

II. *AND be it further enacted, by the Authority aforesaid*, that it shall and may be lawful to and for the Mayor, Recorder, Aldermen, and Common Councilmen, of the said City and Borough, respectively, or the major Part of them, in Common Council assembled, to levy and assess by the Poll, on the tithable Persons inhabiting within the said City and Borough, all such Sum and Sums of Money as shall be necessary for building a House or Houses, and providing all Things necessary for holding a Market within the said City and Borough, respectively, if their Chamber shall be deficient, and to appoint a Collector of the same; and if any Person or Persons shall neglect or refuse to satisfy or pay the Money so on him, her, or them, levied and assessed, according to the Time appointed for Payment thereof, it shall and may be lawful to and for such Collector, by Warrant from under the Hand of any Magistrate of the said City or Borough, respectively, to levy the Money so due by Distress and Sale of the Delinquent's Goods, in the same Manner as for Non-Payment of publick and County Levies in this Colony.

III. *AND for ascertaining the Bounds of the said Borough, Be it enacted*, that the Mayor, Recorder, and Aldermen, of the said Borough, for the Time being, be, and they, or any four of them (whereof the Mayor shall be one) are hereby empowered to order and direct a complete Survey to be made of the Streets and Lots within the said Borough, and a Plan thereof to be drawn, which shall be recorded in the Court of the said Borough; and that the Charge thereof be paid by the Freeholders of the said Borough, and levied and assessed on them in the Manner herein before directed.

IV. *AND* whereas the Streets and Landings in the Town of *York* are in so ruinous a Condition that they cannot be repaired in the ordinary Method, by the Surveyor and his Hands, without a considerable Expence, it being necessary in some Places to widen and support them with a Brick Wall from being washed

A. D. 1757. away by the hasty Showers of Rain, *Be it further enacted, by the Authority* *aforsaid*, that the Justices of the County of *York* shall be, and they are hereby empowered and required, some Time before the first Day of *August* next ensuing, to levy so much Money upon the Inhabitants of the said Town, and Owners of the Lots there, as shall be sufficient for repairing, widening, and maintaining, the said Streets and Landings, and to rate and assess the same upon the said Inhabitants and Owners in such Proportion as they shall think proper, having Regard to the Value of the Lots without the Improvements; and in Case any Person shall refuse to pay such Assessment, to cause the same to be levied on the Estate of the Person so refusing; and where any such Inhabitant is Tenant to another Person, the Landlord shall allow such Assessment out of the next Year's Rent: And the Money so to be levied shall be paid to *William Nelson, Thomas Nelson, Dudley Digges, John Norton, and Edward Ambler*, or any three of them, who are hereby empowered and required to apply the same towards the repairing, widening, and maintaining, the Streets and Landings of the said Town.

V. AND whereas it hath been represented to this Assembly that *Gwyn Read*, Gentleman, did formerly lay out a Parcel of his Lands in the County of *York*, contiguous to the said Town of *York*, into Lots, and the Purchasers of Part of the said Lots have made considerable Improvements thereon, and are desirous that the said Lots may be taken into the Limits of the said Town, and that they may enjoy all the Privileges of the Freeholders and Inhabitants thereof: *Be it enacted, by the Authority aforsaid*, that the Lands laid out as aforsaid by the said *Gwyn Read* into Lots, adjoining the said Town, which have been or shall be hereafter built upon, and saved according to the Rules and Regulations required for saving Lots in the said Town, shall be added to and made Part of the said Town, and the Freeholders and Inhabitants thereof shall then be entitled to, and have and enjoy, all the Rights, Privileges, and Immunities, granted to or enjoyed by the Freeholders and Inhabitants of the said Town; and the Inhabitants and Owners of the said Lots already built upon shall and may be assessed for and towards the repairing, widening, and maintaining, the Streets and Landings in the said Town, in like Manner and Proportion, and under such Regulations, as are herein before mentioned.

ROBERT DINWIDDIE, *Esq*; Governour.
JOHN ROBINSON, *Speaker*.

A. D. 1758.

At a GENERAL ASSEMBLY begun and held at the CAPITOL, in *Williamsburg*, on *Thursday* the 14th Day of *September*, in the 32d Year of the Reign of our Sovereign Lord GEORGE II. by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and in the Year of our LORD 1758, being the first Session of this Assembly.

FRANCIS
FAUQUIER,
Esq; Govern-
our.

C H A P. I.

An Act for preventing fraudulent Gifts of Slaves. (a)

I. **W**HEREAS many Frauds have been committed by Means of secret Gifts made, or pretended to have been made, of Slaves, by Parents and others, who have notwithstanding remained in Possession of such Slaves as visible Owners thereof, whereby Creditors and Purchasers have been frequently involved in expensive Lawsuits, and often deprived of their just Debts and Purchases: For Prevention whereof, *Be it enacted, by the Lieutenant Governour, Council, and Burgeſſes, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that from and after the passing of this Act no Gift of any Slave or Slaves shall be good or sufficient to pass any Estate in such Slave or Slaves, to any Person or Persons whatsoever, unless the same be made by Will, duly proved and recorded, or by Deed in Writing, to be proved by two Witnesses at the least, or acknowledged by the Donor, and recorded in the General Court, or the Court of the County where one of the Parties lives, within eight Months after the Date of such Deed or Writing.

II. *AND be it further enacted, by the Authority aforesaid,* that all Gifts without Will or Deed in Writing heretofore made of any Slave or Slaves, where the Possession hath not been delivered in Consequence of such Gift, shall be void, unless the same be confirmed by Will or Deed in Writing by the Donor, or in Case he be dead his Heir, or the Person that would be entitled to such Slave or Slaves if such verbal Gift had not been made, and proved by two Witnesses, or acknowledged by the Party, and recorded in the General Court, or the Court of the County where one of the Parties lives, within two Years after the passing of this Act; and where any Person hath been in the actual Possession of any Slave or Slaves, by Virtue of any Gift, for the Space of five Years next before the passing of this Act, the same shall be good and effectual to secure the Right, Title, and Property, in such Slave or Slaves.

III. *AND be it further enacted,* that if any Person or Persons who before the passing of this Act have or hath made any verbal Gift of any Slave or Slaves before Witnesses, and such Slave or Slaves hath not since come into the Possession of a *bona fide* Purchaser, or in Case such Donor be dead his Heir, or the Person

(a) See 30. Geo. 2. (1757) Cap. 3.

A. D. 1758.

that would be entitled to such Slave or Slaves in Case such verbal Gift had not been made, shall refuse to make a Deed in Writing to confirm such Gift, in Order that the same may be recorded according to the Directions of this Act, in such Case it shall be lawful for the Donee, his Agent or Attorney, or if he or she shall be an Infant his or her Guardian or next Friend, at any Time within the said two Years after the passing this Act, to summon the Witness or Witnesses present at the making such Gift to the Court of the County where such Donor, Heir, or other Person lives, of which Notice shall be given to such Donor, Heir, or other Person, at least ten Days before the Sitting of such Court, there to give Testimony of such Gift; and if thereupon it shall appear to such Court that the Gift was made, the said Court shall order the Testimony and Notice to be recorded, which shall be as effectual to establish such Gift as if a Deed in Writing was made by the Person to whom Notice was given and recorded as aforesaid.

IV. *PROVIDED always*, that if any Person to whom any such verbal Gift hath been made be an Infant, Feme Covert, or out of the Colony, at the Time of passing this Act, such Person shall be at Liberty to procure a Confirmation of such Gift by either of the Methods herein before mentioned, at any Time within two Years after such Disability shall be removed.

V. *PROVIDED also*, that nothing in this Act shall extend, or be construed to extend, so as to alter the Property of any Slave or Slaves which by the Judgment or Decree of any Court within this Colony hath been adjudged to belong to any Person or Persons, nor so as to affect the Title of any Slave or Slaves concerning which any Suit shall be depending in any Court at the Time of passing this Act, but that all such Judgments and Decrees shall remain, and such Suits shall be heard and determined, upon the Laws now in Force, in like Manner as if this Act, and the Act herein after repealed, had never been made.

VI. *AND be it further enacted, by the Authority aforesaid*, that the Secretary and County Court Clerks respectively shall be entitled to a Fee of twenty Pounds of nett Tobacco for recording every such Deed, for Slaves only, and no more.

VII. *AND be it further enacted*, that one Act of Assembly made in the thirtieth Year of the Reign of his present Majesty, intituled *An Act for preventing fraudulent Gifts of Slaves*, and all and every other Act, as to so much thereof as is contrary to any Thing within the Purview of this Act, shall be and the same is hereby repealed.

FRANCIS FAUQUIER, *Esq;* Governour.
JOHN ROBINSON, *Speaker.*

A. D. 1759.

At a GENERAL ASSEMBLY begun and held at the CAPITOL, in *Williamsburg*, on *Thursday* the 14th Day of *September*, in the 32d Year of the Reign of our Sovereign Lord GEORGE II. by the Grace of GOD of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord 1758, and from thence continued, by several Prorogations, to *Thursday* the 22d of *February*, in the Year of our LORD 1759, and then held at the CAPITOL, in *Williamsburg*, being the third Session of this Assembly.

FRANCIS
FAUQUIER,
Esq; Govern-
nour.

C H A P. I.

An Act for reducing the several Acts made for laying a Duty upon Liquors into one Act.

I. **W**HEREAS the several Acts of Assembly heretofore made for laying a Duty upon Liquors have, by Experience, been found useful and beneficial in lessening the Poll Tax, by raising a Fund for defraying Part of the necessary Expenses of this Government, and for the better Support of the College of *William and Mary* in this Colony, which said Acts will all expire on the tenth Day of *June* one Thousand seven Hundred and sixty one. Preamble.

II. AND whereas through the various Alterations and Amendments of the said Acts, and the additional Duties at different Times imposed, and their repeated Continuations, they are rendered difficult to be understood, whereby several Penalties may be incurred by the more ignorant Sort for Want of sufficient Knowledge of the same, and this present General Assembly having thought it expedient that the said Laws should be reenacted and reduced into one Act: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that for every Gallon of Rum, Brandy, and other distilled Spirits, and for every Gallon of Wine, which from and after the said tenth Day of *June* one Thousand seven Hundred and sixty one, shall be imported or brought into this Colony and Dominion either by Land or Water, from any Port or Place whatsoever, the Duty or Custom of fourpence shall be paid by the Owner or Importer of the same; and for every Gallon of Cider, Beer, or Ale, which shall be imported or brought into this Colony and Dominion, as aforesaid, from any Port or Place whatsoever, the Duty or Custom of one Penny shall be paid by the Owner or Importer of the same, for and during the Term of one Year from thence next following, and no longer. (a) The Duties.

(a) By 7 Geo. 3. (1766) Cap. 2. continued from *June* 20, 1767, for three Years.

A. D. 1759.

No Duty on
Liquors from
Great Britain.

III. *PROVIDED* nevertheless, and it is hereby enacted and declared, that no Duty or Custom whatsoever shall be paid or required for any of the Liquors before enumerated that shall come directly from *Great Britain*, but all such Liquors shall remain and continue exempt and free from any Imposition, Duty, or Custom, imposed or required by this Act, as if the same had never been made.

Duty of Pur-
fers.

IV. *AND* be it further enacted, by the Authority aforesaid, that the Master or Purser of every Ship, or other Vessel, importing Liquors, liable to a Duty or Custom by Virtue of this Act, to any Port or Place within this Colony and Dominion, shall within forty eight Hours after his Arrival make a true and just Report, upon Oath, with the Collector of the Duties upon Liquors in the said Port or Place, of the Burthen, Contents, and Loading, of such Ship or Vessel, with the particular Marks and Numbers of every Cask therein laden with Liquors, and to whom consigned, to the best of his Knowledge, and also where, and in what Port, the same were laden and taken on Board, upon Penalty of forfeiting one Hundred Pounds current Money.

Liquors not
to be landed till
Duty entered.

V. *AND* be it further enacted, that no Liquors liable to the said Duties, imported or brought into this Colony by Water, by any Person or Persons whatsoever, shall be landed or put on Shore until due Entry made thereof with the Collector of the Duties upon Liquors in such Port or Place, and a true Account of the Marks and Numbers of every Cask at that Port or Place where the same was shipped or taken on Board given upon Oath, either before the said Collector or some Justice of the Peace of this Colony, who shall certify the same upon the Back of the original Invoice of such Liquors, or a true Copy thereof to him produced; and thereupon such Importer, paying the Duties laid by this Act, or securing the Payment thereof, shall obtain a Permit under the Hand of such Collector for the Landing or Delivery of the same. And all Liquors landed, put on Shore, or delivered, contrary to the true Intent and Meaning of this Act, or the Value thereof, shall be forfeited and lost, and may be seized and recovered by any Officer of his Majesty's Customs of the Port or Place where the same shall be put on Shore or delivered, or by any other Person or Persons whatsoever. And the Owner or Importer of any of the Liquors aforesaid by Land shall in like Manner make due Entry of the same, within six Days after the Importation, with the Collector appointed in Pursuance of this Act, and give a true Account of the Quantity thereof, upon Oath, and pay the Duty hereby imposed, or give Bond, with good Security, for Payment thereof within six Months, and thereupon obtain a Permit under the Hand of the said Collector for selling or making Use of the same; and all Liquors imported by Land without such Entry made, and Permit obtained, or the Value thereof, shall be forfeited, and may be recovered or seized by any Collector of the said Duties, or any other Person whatsoever.

The Contents
of a Pipe need
not be entered.

VI. *PROVIDED* always, that no Person shall be required to give Account, upon Oath, of the true Contents of any Pipe or lesser Cask of Wine, or of any Hoghead or lesser Cask of Rum imported, but shall have Liberty to enter a Pipe of Wine or Hoghead of Rum at one Hundred Gallons, and all lesser Casks after the same Proportion, any Thing in this Act to the contrary notwithstanding.

False Entry.

VII. *AND* be it further enacted, that if any Person or Persons whatsoever shall wittingly or willingly make a false Entry, and be thereof convicted, such Person or Persons shall forfeit and pay one Hundred Pounds current Money.

Power of
Collectors.

VIII. *AND* be it further enacted, that the Collectors of the Duties or Customs upon Liquors, or any Person by them appointed, shall have full Power and Authority to go and enter on Board any Ship or other Vessel, and from thence to bring on Shore any Liquors liable to a Duty by Virtue of this Act, if

such Duty be not paid or agreed for within ten Days after the first Entry of such Ship or Vessel, or Bond, with good and sufficient Security, given for Payment of the same within six Months next after such Entry, which Bond, if offered, the Collector is hereby authorized and required to accept and take, and such Liquors so brought on Shore to secure and detain until due Entry and Payment made, or Security given for the same, as aforesaid; and they are also empowered to stay and remain on Board such Ship or Vessel until all such Liquors be discharged and delivered out of the same. And if any Collector or Collectors of the said Duties, or any other Person or Persons deputed or appointed by them, or any of them, shall, directly or indirectly, take or receive any Bribe, Recompense, or Reward, in any Kind whatsoever, or shall connive at any false Entry of Liquors liable to a Duty or Custom by Virtue of this Act, the Person or Persons so offending shall forfeit and pay the Sum of one Hundred Pounds current Money, and be for ever afterwards disabled in his said Office, and rendered incapable of holding any Office or Employment relating to the Customs within this Colony; and the Person or Persons giving or offering such Bribe, Reward, or Recompense, shall forfeit and pay one Hundred Pounds current Money.

A. D. 1759.

Penalty on
Persons giving
and receiving
Bribes.

IX. *AND be it further enacted*, that it shall be lawful to and for all and every Collector and Collectors of the Duties upon Liquors, by Warrant under the Hand of a Justice of Peace (which Warrant shall not be granted but upon an Information made to him upon Oath, and accompanied with a Constable) to break open, in the Day Time, any House, Warehouse, or Storehouse, to search for, seize, and carry away, any Liquors liable to a Duty by this Act, and for which the said Duty shall not have been paid or secured as aforesaid. And if any Collector or Constable shall be sued or molested for any Thing done in Execution of the Powers hereby given them, such Collector or Constable may plead the General Issue, and give this Act in Evidence; and if in such Suit the Plaintiff be nonsuit, or Judgment pass against him, the Defendant shall recover double Costs. And in all Actions, Suits, or Informations, to be brought, or where any Seizure of Liquors shall be made, if the Property thereof be claimed by any Person, as the Owner or Importer thereof, in such Case the *Onus probandi* shall lie upon such Owner or Claimer.

Power of
Collectors to
break open
Doors, &c.*Onus probandi*
on Owners.

X. *AND be it further enacted*, that when any Liquors shall be consigned to any Person, other than the Master or Owner of the Ship or Vessel importing the same, every such Person to whom such Liquors shall be so consigned shall, upon the Importation thereof, pay to the Master or Owner of the Ship or Vessel importing the same the Duty payable for such Liquors by this Act; and if any Person or Persons to whom such Liquors shall be consigned as aforesaid shall refuse or neglect to pay the said Duty, or give Bond, with Security, for the Payment thereof to the Master or Owner of the Ship or Vessel importing the same, at such Time as the same shall become payable, it shall and may be lawful for the Master or Owner of such Ship or Vessel to detain such Liquors until the Duty shall be paid, or secured to be paid, as aforesaid.

Persons to
whom Liquors
are consigned to
pay the Duty to
the Master.

XI. *PROVIDED always, and it is hereby enacted and declared*, that if the Owner or Importer of any Liquors of which the Duties or Customs shall be paid, or secured to be paid, shall, within six Months after the Importation thereof in this Colony and Dominion, be desirous to export the same, or any Part thereof, in such Case the Person intending to export the same shall give a particular Account of the Marks, Numbers, and Contents, of the Casks or Vessels containing the Liquors he intends to export, to the Collector of such District from whence the same is to be shipped for Exportation, together with the Name or Names of the Person or Persons from whom the same was bought, and shall subscribe it also, and make Oath thereto before the said Collector, at which Time he shall also declare, upon Oath, that the said Liquors shall be directly carried out of this Dominion, and not sold, delivered, or put on Shore within the same,

Where the
Importer of
Liquors intends
to export the
same.

X x x x

A. D. 1759.

or brought back again without making a new Entry and paying the Duty, and shall also deliver to the Collector aforesaid an Account in what Vessel the same was entered at Importation, with the Oath of the Person or Persons by whom it was imported that the Duty or Custom thereof was at the Time of Entry duly paid, or secured to be paid, according to Law; and then it shall and may be lawful for the Collector where the Duty or Custom for the same was paid, or secured to be paid, and he is hereby required and enjoined, to allow the said Exporter the whole Duty or Custom paid, or secured to be paid, for the said Liquors so to be exported, any Thing in this Act to the contrary notwithstanding: But if any Person or Persons shall export Liquors on which there is a Drawback to the Province of *Maryland*, before such Person exporting the same shall be entitled to the Drawback thereof he shall produce to the Collector of the Duties from whose District the same was exported a Certificate under the Hand of the Officers of the Customs in *Maryland* that the said Liquors were entered and landed there.

No Draw-
back to Persons
exporting Li-
quors by Land.

XII. *AND be it further enacted*, that no Drawback shall be allowed to any Person or Persons exporting Liquors out of this Colony by Land, any Clause herein contained to the contrary notwithstanding.

Where the
Importer of Li-
quors intends to
transport them
from one Dis-
trict to another.

XIII. *AND be it further enacted, by the Authority aforesaid*, that if any Importer of the Liquors in this Act mentioned shall desire to transport the same from one District to another within this Colony, he shall, before he depart out of the District wherein such Liquors shall be laden or taken on Board, make Oath before the Collector of the Duties in the said District, or some Justice of the Peace, that he hath duly entered such Liquors, and paid, or secured to be paid, all the Duties by this Act imposed, and also deliver, upon Oath, an Account of the true Quantity so taken on Board to be transported, and that he will not take, or suffer to be taken, on Board the said Ship, Boat, or other Vessel, any more Liquors than in the said Account shall be specified, and shall likewise take a Certificate from such Collector, or Justice of the Peace, of the Quantity of Liquors then on Board, and that such Oath hath been made thereto, which Certificate being produced to the Collector of the Duties in the District to which the said Liquors shall be transported shall be a sufficient Warrant for the Owner thereof to sell the same in such other District; and all Liquors on which there is a Duty which shall be transported by Water from one District to another, and landed or sold, without producing such Certificate as aforesaid to the Officer into whose District the same shall be transported, shall be liable to be seized and forfeited.

Where
Money is im-
ported.

XIV. *AND for an Encouragement to import Money into this Colony and Dominion, Be it further enacted*, that if any Person or Persons shall pay any of the Impositions, Duties, or Customs, accruing due by Virtue of this Act, in Gold or Silver Coin current in this Colony, of his or their own Importation into this Dominion, and shall make Oath that he or they did import the same, and did not carry it out of this Colony with an Intent to bring it back again, and that it was not exchanged in any adjacent Province for Monies carried out of this Colony with Intent to obtain any Benefit thereby, such Person or Persons, upon producing a Certificate of such Oath, shall have an Abatement and Allowance of fifteen *per Cent.* on all Duties so paid and satisfied, and every Collector of the said Duty is hereby authorized and required to make such Allowance, until such Sum or Sums of Money imported shall be paid away; and upon Payment of any lesser Sum than is mentioned in the said Certificate to such Collector of the Duties upon Liquors, such Collector shall endorse the Sum by him received on the Back of such Certificate.

The Duties
fixed for in the
King's Name.

XV. *AND for preventing Delays in the Payment of the said Duty, Be it enacted, by the Authority aforesaid*, that where any Person shall become

bound for the Payment of the said Duties upon Liquors, and shall not pay the same at the Time limited, whether such Bond be payable to the King or the Collector of the said Duties, it shall and may be lawful to and for the Collector to sue out of the General Court, or the Court of the County wherein such Person or his Securities respectively reside, one or more Writ or Writs of *Scire Facias*, in the Name of the King, his Heirs and Successors, returnable to the said Court, against the Person or Persons chargeable with the said Duties, and his or their Securities, their Executors or Administrators, to show Cause why Execution ought not to issue against him, them, or any of them, for the Duties so unpaid, and thereupon to sue out Execution accordingly.

A. D. 1759.

XVI. *AND be it further enacted*, that the several Forfeitures and Penalties which shall or may arise by Virtue of this Act shall be divided into three equal Parts, one third Part thereof shall be to our Sovereign Lord the King, his Heirs, and Successors, for and towards the better Support of this Government and the contingent Charges thereof, one third Part to the Governour of this Colony for the Time being, to and for his own proper Use and Behoof, and the other third Part to him or them that will inform or sue for the same; to be recovered, with Costs, by Action of Debt, Bill, Complaint, or Information, in any Court of Record within this Colony and Dominion, wherein no Effoin, Protection, or Wager of Law, shall be allowed.

The Appropriation of the Penalties.

XVII. *AND be it further enacted*, that the Governour, or Commander in Chief of this Colony for the Time being, with the Advice of the Council, shall be, and is hereby empowered, from Time to Time, and at all Times hereafter, to nominate, constitute, and appoint, such and so many Collectors of the Duties laid by this Act upon Liquors, and also such Salaries, not exceeding six in the Hundred for collecting the said Duties, as to him shall seem best.

The Governour to appoint Collectors.

XVIII. *AND be it further enacted, by the Authority aforesaid*, that all and every such Sum or Sums of Money which shall be raised, collected, and levied, by the said Duties, the necessary Charges of collecting, managing, and accounting for the same always excepted, shall from Time to Time be accounted for, and paid by the respective Collectors thereof, to the Treasurer of *Virginia* for the Time being, appointed by or pursuant to an Act of Assembly, upon Oath (which Oath the said Treasurer is hereby empowered to administer) and by the said Treasurer accounted for to the General Assembly of this Colony, upon Oath. And that all and every such Sum and Sums of Money which shall be raised, collected, and levied, by threepence of the said Duties by this Act imposed, for every Gallon of Wine, Rum, Brandy, and other distilled Spirits, and one Penny upon every Gallon of Cider, Beer, and Ale, over and above the necessary Charges aforesaid, are and shall be appropriated, issued, applied, and disposed, in the first Place for and towards the Repayment of the Sum of ten Thousand Pounds which the Treasurer of this Colony was directed to borrow by a certain Act of Assembly made in the twenty seventh Year of his present Majesty's Reign, intituled *An Act for the Encouragement and Protection of the Settlers upon the Waters of the Mississippi*, for the Purposes in the said Act mentioned, together with the Interest thereon arising; and after the said Sum of ten Thousand Pounds, with the Interest aforesaid, shall be fully repaid and satisfied, then to such other Use or Uses as the General Assembly, from Time to Time, shall think fit to direct, for lessening the Levy by the Poll, or defraying any publick Expense, and to and for no other Use whatsoever. And that all and every Sum and Sums of Money to be raised and levied out of the other Penny of the said Duties by this Act imposed upon every Gallon of Wine, Rum, Brandy, and other distilled Spirits, as aforesaid, is and shall be appropriated to the Relief of the College of *William and Mary* in this Colony, and shall be paid by the said Treasurer, Half yearly, in equal Portions, unto the President and Masters of the College, and their Successors, and shall be applied and disposed of for the founding Scholarships, and such other

The Duties to be paid to the Treasurer, and their Appropriation.

A. D. 1759.

good Uses for the better Support of the College, as by the Visitors and Governours of the said College, or the greater Part of them, shall from Time to Time be directed and appointed, and not otherwise, and shall be accounted for to the General Assembly.

Madeira
Wine imported
by the Govern-
our Duty free.

XIX. *AND be it further enacted, by the Authority aforesaid, that all Madeira Wine imported by his Majesty's Lieutenant Governour, or the Governour and Commander in Chief of this Colony for the Time being, not exceeding ten Pipes in one Year, for his own Use, be and are hereby exempted from the Payment of the Duties imposed upon Wine imported, any Thing in this Act contained to the contrary notwithstanding.*

Collectors
when to account
with the Treas-
urer.

XX. *AND be it further enacted, that all Collectors of the Duties imposed by this Act be and are hereby required to account with the Treasurer every Half Year, to wit on the twenty fifth Day of April and the twenty fifth Day of October in every Year, or within fifteen Days afterwards, upon Pain of forfeiting one Half of their Commissions, to be deducted out of their Accounts by the Treasurer, and by him carried to the Credit of the publick Treasury.*

CHAP. II.

An Act for appointing an Agent. (a)

Committee of
Correspondence
and their Duty.

I. **W**HEREAS it is judged necessary that some able and discreet Person, residing in *Great Britain*, should be engaged and employed to solicit and properly represent the Affairs of this Colony there, *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that Edward Montague, of the Middle Temple, Esquire, be and is hereby appointed an Agent for this Colony, to be at all Times under the Direction of the Honourable William Nelson, Thomas Nelson, Philip Grymes, and Peter Randolph, Esquires, John Robinson, Peyton Randolph, Charles Carter, Richard Bland, Landon Carter, Benjamin Waller, George Wythe, and Robert Carter Nicholas, Esquires, who are hereby declared to be a Committee of Correspondence to transmit such Matters and Things to him as shall be committed to their Charge by the General Assembly, and to receive from him Information and Intelligence of his Proceedings, as well in such Cases as shall be to him intrusted by the said Committee, or the major Part of them, as in every other Matter and Thing that shall come to his Knowledge, that may either affect or be for the Interest of this Colony; and the said Committee shall from Time to Time, as they shall be required, lay before the General Assembly Copies of all such Letters and Instructions as shall be by them sent to such Agent, and also the Originals of all Letters by them received from the said Agent.*

All Matters
to be by a Ma-
jority of the said
Committee.

II. *AND be it further enacted, by the Authority aforesaid, that if any one or more of the Persons so appointed a Committee of Correspondence shall presume to write any private Letter to the said Agent, containing any Matter repugnant to such Letters or Instructions as shall be transmitted by the major Part of them acting as a Committee, or shall write any private Letter containing any Instructions in any Matter before the same hath been considered and approved of by a Committee, every Person committing such Misdemeanor shall be liable to the Censure of the General Assembly.*

(a) 34. Geo. 2. (1760) Cap. 1. This Act explained and amended.

3. Geo. 3. (1763) Cap. 4. Other Persons added to the Committee of Correspondence.

5. Geo. 3. (1765) Cap. 5. Acts continued for five Years from 14th April, 1766.

A. D. 1759.

III. *AND be it further enacted, by the Authority aforesaid, that it shall and may be lawful for the Treasurer of this Colony for the Time being, appointed by or pursuant to an Act of Assembly, to pay unto the said Agent, out of the publick Money that shall be in the Treasury, the Sum of five Hundred Pounds Sterling per Annum, as a full Compensation for his Trouble and Expenses in the Discharge of his Duty in such Office.*

Agent's Salary.

IV. *PROVIDED nevertheless, and it is hereby enacted, that if at any Time the said Committee, or the major Part of them, shall think proper to remove the said Edward Montague, Esquire, from his Office of Agent, then such Allowance and Power hereby given to the said Edward Montague, Esquire, shall cease, and such Committee, or the major Part of them, shall notify the same to him, and lay their Reasons for so doing before the next succeeding Assembly; or in Case the said Edward Montague, Esquire, shall die, or refuse to take upon himself the said Office of Agent, the said Committee be, and are hereby empowered and required, either upon the Removal of the said Edward Montague, Esquire, from his Office of Agent, or upon his Death or Refusal to take upon himself the said Office, to appoint some other fit Person in his Room to act as Agent, for such Allowance as aforesaid, to be approved of by the succeeding Assembly.*

The Agent removable by the Committee;

V. *AND be it further enacted, that this Act shall continue and be in Force, from and after the passing thereof, for and during the Term of seven Years, and no longer.*

Continuance;

C H A P. III.

An Act for reducing the several Acts for licensing Pedlars, and preventing Frauds in the Duties upon Skins and Furs, into one Act. (a)

I. **W**HEREAS the several Laws heretofore made for granting Licenses to Pedlars, and preventing Frauds in the Duties upon Skins and Furs, have been found insufficient to answer the Purposes thereby intended, and it hath been represented to this General Assembly that great Frauds and Abuses are still committed and carried on by People under the Name of Pedlars, particularly in the Exportation of Skins and Furs, without paying any Duty, and that by Means of the frequent Alterations and Amendments of the said Laws they are rendered difficult to be understood, whereby the more ignorant Sort of People may be liable to severe Penalties, for Want of a sufficient Knowledge of them, and it being therefore thought expedient that the said Laws should be reduced into one Act, with some Amendments, *Be it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that from and after the tenth Day of October next no Pedlar, or other Person, whether he be an Inhabitant of this Colony or not, shall go from Place to Place, or to other Mens Houses, and sell, or expose to Sale, or barter, any Goods or Merchandise whatsoever, without License first obtained under the Hand and Seal of a Collector of the Duties upon Skins and Furs exported by Land, residing near the Frontiers, appointed in the Manner herein after directed; and if any Pedlar shall refuse to produce such License, when required by any Person to or before whom he shall sell, or expose to Sale, or barter, any Goods or Merchandise, the same may be seized by the Person or Persons requiring*

Preamble;

No Pedlar to trade without License.

Pedlar refusing to produce License his Goods liable to Seizure.

(a) See 4. Ann. (1705) Cap. 5. with Notes subjoined.

A. D. 1759.

such License to be produced, and upon due Proof thereof made before a Justice of Peace the Goods so seized shall be forfeited, and delivered to the Seizor, for his own Use.

Collector to be appointed by the Governour, with Advice of the Council.

His Salary.

To grant License.

Fees for License.

Penalty on Collector granting License without taking Bond.

Appropriation of Penalties.

Clerks of County Courts to return Lists of Judgments to Secretary's Office.

Rules for Collectors exporting Skins and Furs.

II. *AND be it further enacted, by the Authority aforesaid*, that the Governour, or Commander in Chief of this Colony for the Time being, with the Advice of the Council, shall and may appoint one or more Collector or Collectors of the Duties upon Skins and Furs exported by Land, who shall reside near the Frontiers of this Colony; which Collectors shall have, and be allowed, a Salary of ten in the Hundred for receiving the said Duties, and shall account for the same in such Manner as other Collectors of the said Duties are obliged to account. And such Collector shall be, and is hereby authorized and empowered, from Time to Time, to grant or refuse, at his Discretion, to any Person or Persons applying for the same, License or Licenses to trade during the Term of one Year from thence next following, and no longer; the Party obtaining such License first entering into Bond, with good and sufficient Security, to our Sovereign Lord the King, his Heirs and Successors, in the Penalty of twenty Pounds, with Condition that he will not export, or cause to be exported, with his Privy or Knowledge, any Skins or Furs, either by Land or Water, without first paying the Duties imposed on such Skins and Furs, by one Act of Assembly made in the twenty second Year of the Reign of his present Majesty, intituled *An Act for the better Support of the College of William and Mary*, and shall also make Oath and swear to the same Effect, and pay down the Sum of twenty Shillings, for the Use of the Governour, or Commander in Chief of this Colony for the Time being, the Sum of three Pounds for the Use of the College of *William and Mary*, and the further Sum of twenty Shillings to such Collector granting such License, for writing the same and the Bond aforesaid, which Bond shall be by him safely kept. And if any such Collector shall presume to grant such License, without having first taken such Bond, and received the Fees appointed by this Act, he shall forfeit and pay for every such Offence the Sum of twenty Pounds, one Moiety thereof to and for the Use and better Support of the said College of *William and Mary*, and the other Moiety to him or them that will inform or sue for the same; to be recovered, with Costs, by Action of Debt or Information, in any Court of Record within this Colony.

III. *AND for encouraging Prosecutions for the Breach of any such Bond, Be it further enacted*, that one Moiety of the Penalty shall be to the Use of his Majesty, his Heirs and Successors, for the better Support of the said College of *William and Mary*, and the other Moiety to any Person or Persons that will make Information of any such Breach; to be recovered in the Name of his Majesty, his Heirs and Successors, by Action of Debt, in any Court of Record within this Colony. And the Clerk of every County Court shall, in the Months of *April* and *October* yearly, transmit to the Secretary's Office a List of all Recoveries or Judgments had or given on Seizures, or for Breach of such Bonds, if any shall happen to be.

IV. *AND be it further enacted, by the Authority aforesaid*, that every Collector of the Duties upon Skins and Furs now appointed, or hereafter legally to be appointed, who shall at any Time himself export Skins or Furs liable to a Duty by Land or Water, shall first make Oath before a Justice of Peace to the true Number and Kind of Skins or Furs, and the Weight of Beaver by him intended to be exported, and to what Port or Place, and obtain a Certificate of such Oath by him made, and shall return such Certificate, and account for the Duties in the same Manner, and at the same Time or Times, as he shall account for Duties by him collected from other Persons, under Penalty of forfeiting double the Value of the Skins or Furs exported without such Oath made and Duty accounted for and paid; to be recovered in the same Manner, and applied to the same Uses, as Recoveries upon Breach of Bond are by this Act directed to be.

And every Collector of the said Duties shall, at the Time of accounting for the same with the Person or Persons by his Commission directed, return true Lists of all Licenses by him granted, and Bonds thereupon taken from Time to Time.

A. D. 1759.

V. *AND be it further enacted*, that if any Pedlar, or other Person, as aforesaid, shall, after the said tenth Day of *October*, be found travelling or trading without such License as aforesaid, such Person shall forfeit and pay for every several dealing or trading the Sum of twenty Shillings, to the Use of the Informer; to be recovered, with Costs, before any Justice of the Peace of this Colony. And in Case such Person, after Conviction, shall refuse or delay to make present Payment of the said Penalty and Costs, either in Money or Goods to the Value, in the Judgment of the Justice before whom the Conviction shall be; it shall and may be lawful for such Justice to order the Person so convicted twenty Lashes on his bare Back, well laid on, and he shall be from thenceforth discharged from the Payment of the said Penalty for that Time. And in Case any such Pedlar, or other Person, as aforesaid, shall be found travelling towards any other of his Majesty's Colonies with any Skins or Furs, beyond the Place where the Collector or Collectors aforesaid usually reside, and upon Demand made by any Inhabitant of this Colony shall refuse to produce and shew a Certificate that the Duties of the said Skins and Furs have been paid, such Skins and Furs shall and may be seized by any Person or Persons, and the Person or Persons seizing the same shall immediately carry them to the next Justice of the Peace, who is hereby empowered and required to receive the same; and in Case the Owner or Proprietor of the said Skins and Furs shall not, within two Months after such Seizure, make sufficient Proof before such Justice, or before the Court of the County where such Seizure shall be made, that he has paid the Duty for such Skins and Furs, the same are hereby declared to be forfeited, and shall and may be sold by Order of the said County Court to the highest Bidder; and one Half of the Money arising by such Sale, after Charges deducted, shall be to the Use of his Majesty, his Heirs and Successors, for and towards the better Support of the said College of *William and Mary*, and the other Half to the Person who shall seize the same. And in Case the Owner or Proprietor of such Skins and Furs as aforesaid shall, within the Time aforesaid, make due Proof before the said Justice or Court that the Duties for the same have been duly paid, the said Justice shall, and is hereby required to deliver back the said Skins and Furs to the said Owner or Proprietor, upon his paying down the Sum of ten Shillings to the Person who shall seize the same as aforesaid.

Penalties on Pedlars travelling without License, and Manner of proceeding against them.

VI. *AND be it further enacted*, that if any such Pedlar, or other Person, trading as aforesaid, shall presume to resist, or offer any Violence to, any other Person or Persons who shall be employed in the Execution of the Powers and Authorities given to them by this Act, such Pedlar, or other Person, so offending, shall forfeit and pay the Sum of fifty Pounds, one Half whereof shall be to the Use of his Majesty, his Heirs and Successors, for and towards the better Support of the said College of *William and Mary*, and the other Half to the Informer, and shall and may be recovered by Action of Debt or Information in any Court of Record within this Colony; and, moreover, it shall and may be lawful to and for the Sheriff of the County where such Offence shall be committed, or where the Offender may be found, and such Sheriff is hereby empowered and required, upon Information of such Offence, and Application to him made, to summon such and so many Men of his County as he shall think sufficient to be aiding and assisting to him in the apprehending such Offender, and him having found and apprehended to carry, together with the Skins and Furs that shall be found in his Possession, before the next Justice of the Peace of his County, who is hereby empowered and required, by Warrant under his Hand and Seal, to commit such Offender to the Gaol of his County, there to remain until he shall pay, or give Security for the Payment of, the said Sum of fifty Pounds, in Case he shall be convicted of the said Offence; and the said Justice

And resisting Persons acting in Execution of this Law.

A. D. 1759.

shall also keep the said Skins and Furs in his Possession, until they shall be disposed of in the Manner herein before directed in the Case of a Seizure for Non-Payment of Duties.

Proviso.

VII. *PROVIDED* nevertheless, that nothing in this Act contained shall extend, or be construed to extend, to any Inhabitant of this Colony trading only in Beef and Pork, or carrying any Goods or Commodities of the Growth or Manufacture of this Colony to any Place or Places for selling the same, but that every such Inhabitant may carry and sell such Goods or Commodities in the same Manner as if this Act had never been made.

Repealing Clause.

VIII. *AND* be it further enacted, that all and every other Act or Acts of Assembly, heretofore made for or concerning any Thing within the Purview of this Act, shall, from and after the said tenth Day of *October* next, be and they are hereby repealed and made void, to all Intents and Purposes whatsoever.

C H A P. IV.

An Act for encouraging Arts and Manufactures. (a)

Preamble.

Committee appointed.

I. **W**HEREAS the improving of Arts and Manufactures is of infinite Service to every People, and may be of singular Advantage to this Colony in its present distressed Situation, by encouraging many Families to remove and settle here: *Be it therefore enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that the Honourable John Blair, William Nelson, Thomas Nelson, Philip Grymes, Peter Randolph, and John Tayloe, Esquires; John Robinson, Charles Carter, Peyton Randolph, Richard Bland, Landon Carter, William Randolph, Benjamin Harrison, William Digges, Dudley Digges, Lewis Burwell, George Wythe, Thomas Whiting, and Edmund Pendleton, Esquires, or any seven of them, shall be, and they are hereby nominated, constituted, and appointed, Trustees for the Appropriation of the Money hereafter mentioned to be disposed of in Bounties or Premiums for the more speedy and effectual bringing to Perfection any Art or Manufacture of Service to the Publick.

They, or any seven, to act, keep a Register, appoint a Clerk, and allow his Salary.

II. *AND* be it further enacted, by the Authority aforesaid, that the said Trustees, or any seven of them, shall and may, and they are hereby authorized and empowered to appoint a select Number of themselves, not exceeding seven, to be a Committee of Correspondence to write to, and correspond with, all such Persons as they shall judge may give them any useful Insight or Intelligence in any Art or Manufacture; and that the said Trustees shall keep a Register or Journal of their Proceedings, and may appoint a Clerk for that Purpose, and allow him such Salary as they shall think adequate to his Trouble, to be paid out of the Fund herein after mentioned, and shall lay such Register or Journal before the General Assembly whenever thereto required.

To publish Premiums, &c. in the Gazette.

III. *AND*, to the End that all Persons may be acquainted what particular Arts or Manufactures are thought proper to be encouraged, shall, and they are hereby directed and required to give publick Notice in the Gazette, as often as shall be necessary, what Bounties or Premiums they intend to give, and upon what Account; and shall also, in the same Manner, publish the particular Times and Places for making Experiments, and adjudging the said Bounties or Premiums to the Persons entitled thereto.

A. D. 1759.

IV. *PROVIDED* always, that the Bounty or Premium given for any one Discovery or Improvement shall not exceed the Sum of twenty Pounds; and that in Case any Trustee appointed by this Act, or hereafter to be chosen, shall be adjudged to be entitled to such Bounty or Premium, the same shall not be paid, but remain in the common Fund, for the better Encouragement of others.

Premium not to exceed 20l. nor to be given to one of the Committee.

V. *AND* to the End that this Act may be as useful as possible, the said Trustees shall, and they are hereby directed and required to give, from Time to Time, publick Notice in the Gazette of any useful Discovery they may make or receive from their Correspondents.

VI. *AND* be it further enacted, by the Authority aforesaid, that the Treasurer of this Colony and Dominion for the Time being, appointed by or pursuant to an Act of Assembly, shall and may, and he is hereby empowered and required, out of the publick Money that shall be in his Hands, to pay all such Bounties and Premiums as the said Trustees shall award, and he shall be required and authorized to do by Warrant from the Governour, or Commander in Chief for the Time being, to whom the said Trustees are hereby empowered and required to apply for the issuing of such Warrants.

Treasurer empowered to pay.

VII. *PROVIDED* always, and be it further enacted, by the Authority aforesaid, that the whole Sum so to be issued shall not exceed the Sum of one Thousand Pounds.

Not exceeding 1000l.

VIII. *AND* be it further enacted, by the Authority aforesaid, that the said Trustees may receive, and they are hereby empowered to receive, Subscriptions from all such Persons as shall be willing to encourage the Design and Intention of this Act, and to dispose of the Money they receive thereby in Manner before mentioned; and they are hereby required to keep a regular Account of what shall be paid to them for such Subscriptions, and to lay the same before the General Assembly whenever thereto required.

Committee to receive Subscriptions, and to account to the Assembly.

IX. *AND* be it further enacted, by the Authority aforesaid, that in Case of the Death, or Resignation, of any of the said Trustees, the Survivors of them shall and may, and they are hereby required to elect and choose another able and discreet Person to act in the Room of such Trustee so dying or resigning.

Survivors to elect in Case of Death or Resignation.

C H A P. V.

An Act to enable the Inhabitants of the County of Loudoun to pay their publick Dues and Officers Fees in Money, and for other Purposes therein mentioned.

I. **W**HEREAS the Inhabitants of the County of Loudoun make but little Tobacco, and many of them none, by Means whereof they are subject to great Impositions in discharging their publick Dues and Officers Fees: For Remedy whereof, Be it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that it shall and may be lawful to and for all and every Person and Persons, chargeable with any Tobacco for publick Dues or Officers Fees payable in the said County, to discharge the same in Money, at twelve Shillings and Sixpence per Hundred.

A. D. 1759.

II. *AND be it further enacted, by the Authority aforesaid, that all Tobacco due to Witnesses for their Attendance, in any County where the Levies and Officers Fees are by Law payable in Money, shall and may be discharged at the same Price as the Levies and Officers Fees in any such County may be discharged at, any Law, Usage, or Custom, to the contrary notwithstanding.*

III. *AND be it further enacted, by the Authority aforesaid, that this Act shall commence and be in Force from and immediately after the first Day of December next ensuing.*

C H A P. VI.

An Act for appointing several new Ferries. (a)

I. **W**HEREAS it is represented to this present General Assembly that publick Ferries at the Places hereafter mentioned will be of great Advantage to Travellers, and others, *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that publick Ferries be constantly kept at the following Places, and the Rates for passing the same shall be as follow, that is to say: From Margaret Boyd's, in the County of Halifax, over Dan River, to the said Boyd's Land, in the said County of Halifax, the Price for a Man threepence, and for a Horse the same; from the Land of William Tyler, in the County of Westmoreland, over Potowmack River, to Cedar Point, in Maryland, the Price for a Man (b) one Shilling and Sixpence, and for a Horse the same; from the Land of Nathaniel Terry, in the County of Halifax, over Dan River, to Fuqua's Land, in the said County of Halifax, the Price for a Man threepence, and for a Horse the same; from the Land of Francis Wagstaff, in the County of Lunenburg, over Roanoke River, to the Land of Richard Palmer, in the same County, the Price for a Man threepence, and for a Horse the same; from the Land of John Brambam, Junior, in the County of Orange, over the River Rappidan, to Harabin Moore's Landing, in the County of Culpeper, the Price for a Man threepence, and for a Horse the same; from the Land of Richard Blanks, in the County of Lunenburg, over Staunton River, at a Place called Bruas's Ford, to the Land on the opposite Side, in the County of Halifax, the Price for a Man threepence, and for a Horse the same. And for the Transportation of Wheel Carriages, Tobacco, Cattle, and other Beasts, at any of the Places aforesaid, the Ferrykeeper may demand and take the following Rates, that is to say: For every Coach, Chariot, or Waggon, and the Driver thereof, the same as for six Horses; for every Cart or four Wheel Chaise, and the Driver thereof, the same as for four Horses; for every two Wheel Chaise, or Chair, as for two Horses; for every Hogshead of Tobacco, as for one Horse; for every Head of nett Cattle, as for one Horse; for every Sheep, Goat, or Lamb, one fifth Part of the Ferriage of one Horse; and for every Hog, one fourth Part of the Ferriage of one Horse, according to the Prices herein before settled at such Ferries respectively, and no more. And if any Ferrykeeper shall presume to demand and receive, from any Person or Persons whatsoever, any greater Rate than is hereby allowed for the Carriage or Ferriage of any Thing whatsoever, he or they, for every such Offence, shall forfeit and pay to the Party grieved the Ferriage demanded and received, and ten Shillings; to be recovered, with Costs, before any Justice of the Peace of the County where such Offence shall be committed. And where a Ferry is by this Act appointed on one Side of a River, and none on the*

(a) See 22 Geo. 2. (1748) Cap. 11. with Notes subjoined.

(b) By 3 Geo. 3. (1762) Cap. 8. increased to 2s. 6d.

other Side answerable thereto, it shall be lawful for the respective County Courts to appoint an opposite Ferry, and to allow the respective Rates herein before directed; and such Courts shall and may, and are hereby required to order and direct what Boat or Boats, and what Number of Hands, shall be kept at each Ferry respectively. And every such Ferrykeeper shall enter into Bond in the Manner directed by one Act of Assembly made in the twenty second Year of his present Majesty's Reign, intituled *An Act for the Settlement and Regulation of Ferries, and for Despatch of publick Expresses*, and shall be subject and liable to the Penalties thereby inflicted for any Neglect or Omission of their Duty.

A. D. 1759.

C H A P. VII.

An Act for dissolving several Vestries, and for other Purposes therein mentioned.

I. **W**HEREAS it hath been represented to this present General Assembly that the Vestries of the Parish of *Antrim*, in the County of *Halifax*, of the Parish of *Cameron*, in the County of *Loudoun*, of the Parish of *Bath*, in the County of *Dinwiddie*, and of the Parish of *Saint Patrick*, in the County of *Prince Edward*, have been guilty of arbitrary and illegal Practices, to the great Oppression of the Inhabitants of the said Parishes, and the Vestry of the Parish of *Saint Anne*, in the County of *Albemarle*, was not legally elected, and that of the Parish of *Christ Church*, in the County of *Lancaster*, consists of twenty four Members, and the Inhabitants of the said Parishes have respectively petitioned this Assembly that the said Vestries may be dissolved: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that the Vestries of the said Parishes of Antrim, Cameron, Bath, Saint Anne, Christ Church, and Saint Patrick, shall be, and the same are hereby respectively dissolved; and that all and every Act and Acts, Thing and Things, which at any Time hereafter shall or may be performed by either of the said Vestries, as a Vestry, shall be and are hereby declared to be utterly void, to all Intents and Purposes whatsoever.*

II. *AND be it further enacted, by the Authority aforesaid, that the Freeholders and Housekeepers of the said Parishes of Antrim, Cameron, Bath, Saint Anne, Christ Church, and Saint Patrick, respectively, shall meet at some convenient Time and Place, to be appointed and publickly advertised at least one Month before by the Sheriff of the said Counties respectively, before the first Day of August next, and then and there elect twelve of the most able and discreet Persons of the said Parishes respectively to be Vestrymen of the same; which said Persons so elected, having in the Courts of the said respective Counties taken and subscribed the Oaths appointed to be taken by one Act of Parliament made in the first Year of the Reign of his late Majesty King George the first, intituled An Act for the further Security of his Majesty's Person and Government, and for the Succession of the Crown in the Heirs of the late Princess Sophia (being Protestants) and for extinguishing the Hopes of the pretended Prince of Wales, and his open and secret Abettors, and taken and subscribed the Test, and also subscribed to be conformable to the Doctrine and Discipline of the Church of England, shall, to all Intents and Purposes, be deemed and taken to be the Vestrymen of the said Parishes for which they shall be respectively chosen.*

III. *AND whereas many Vestrymen in this Colony have, since the Time of their Election, dissented from the Communion of the Church of England, and joined themselves to a dissenting Congregation, yet still continue to act as Vestrymen: Be it enacted, by the Authority aforesaid, that all Vestrymen in this Colony who now have or hereafter shall become Members of any dissenting Congregation,*

See 13. Car. 2. (1661) Cap. 2. with Notes subjoined.

Vestries to make Information of Members becoming Dissenters.

A. D. 1759.

Proceedings
thereon.

the Vestry whereof they are or shall become Members shall make Information thereof to the Court of the County in which such Member shall reside, who are hereby required and empowered to summon the Person or Persons so complained of to appear at the next Court to be held for such County; and if the Party so summoned shall refuse to appear, or if he or they shall refuse to acknowledge in Court that he is not a Dissenter from the Church of *England*, as by Law established, in either Case the other Members of the Vestry whereof the Person or Persons so refusing shall be a Member shall and may elect, and they are hereby empowered and required to elect, one other Person to act as a Vestryman in the Room of every such Dissenter, and every such Dissenter shall no longer be or act as a Vestryman in such Parish.

Dissenters re-
turning to the
Church may be
reelected, and
act, on taking
Oaths, &c.

IV. *PROVIDED nevertheless*, if such Dissenter shall at any Time after join himself to the Communion of the Church of *England*, he may be reelected into the Vestry of the Parish whereof he is a Member on any future Vacancy, and may act as a Vestryman on taking the Oaths and subscribing the Test, and to be conformable to the Doctrine and Discipline of the Church of *England*, in Manner before by this Act directed.

No Informa-
tion where the
Number of
Churchmen is
less than seven.

V. *PROVIDED also*, that if the Number of Vestrymen who are not Dissenters, in any Parish, shall be less than seven, in that Case such Vestrymen shall not have Power to make Information thereof to the Court, or to elect others in the Room of such Dissenters, but such Vestry shall continue as at present, until the Matter shall be represented to the General Assembly.

Seven to make
a Vestry.

VI. AND whereas Doubts have arisen what Number of Vestrymen are necessary to constitute a Vestry, for explaining whereof, *Be it further enacted, by the Authority aforesaid*, that no Vestry shall hereafter proceed to do any Business as a Vestry unless at least seven of their Members be present, but if seven or more be present, and the major Part of them shall concur in any Act or Order, the same shall be valid and binding, although the Number so concurring be less than seven.

No Minister
or Vestryman to
be Clerk of a
Vestry.

VII. *AND be it further enacted*, that no Minister or Vestryman shall, at any Time hereafter, act as Clerk of the Vestry whereof he is a Member.

C H A P. VIII.

An Act to oblige the Owners of Mills, on the River Rappidan, to make Openings or Slopes in their Mill Dams, for the Passage of Fish. (a)

I. **W**HEREAS it hath been represented to this present General Assembly, by the Inhabitants of the Counties of *Culpeper* and *Orange*, that they used formerly to catch large Quantities of Fish in the River *Rappidan*, to the great Relief and Satisfaction of themselves and their Families, and that they are now deprived of that providential Succour by several Gristmills that have lately been erected on the said River, whereby the Passage of Fish up the same is quite obstructed: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same*, that the Owner or Proprietor of all and every Mill now erected on the said River *Rappidan* shall, in the Space of six Months from and after the passing of this Act, make an Opening or Slope in their respective Mill Dams, at least ten Feet wide, sufficient to let Fish pass over such Mill Dams; and if any

(a) See 22. Geo. 2. (1748) Cap. 22 and 23. with Notes subjoined.

Owner or Proprietor of any such Mill shall neglect or refuse to make such Opening or Slope in his or their Mill Dams, within the Time aforesaid, every such Owner or Proprietor shall forfeit and pay the Sum of five Pounds for every ten Days he or they shall so neglect or refuse, one Moiety to our Lord the King, his Heirs and Successors, for the Use of the Poor of the said Counties of *Culpeper* and *Orange*, and the other Moiety to the Informer, to be recovered, with Costs, by Action of Debt or Information, in any Court of Record within this Colony and Dominion.

A. D. 1759.

II. *AND* be it further enacted, by the Authority aforesaid, that if any Person or Persons shall hereafter erect any Mill on the said River *Rappidan*, every such Person or Persons shall leave the like Opening or Slope in his or their Mill Dam as is herein before mentioned; and in Case of Neglect, or Failure, shall be subject and liable to the same Penalty and Forfeiture as the Owners or Proprietors of Mills already built on the said River are by this Act subjected and made liable to, to be recovered and appropriated in the Manner before mentioned.

FRANCIS FAUQUIER, Esq; Governour.
JOHN ROBINSON, Speaker.

At a GENERAL ASSEMBLY begun and held at the CAPITOL, in *Williamsburg*, on *Thursday* the 14th Day of *September*, in the 32d Year of the Reign of our Sovereign Lord GEORGE II. by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and in the Year of our LORD 1758, and from thence continued, by several Prorogations, to *Thursday* the 1st of *November*, in the Year of our Lord 1759, and then held at the CAPITOL, in *Williamsburg*, being the fourth Session of this Assembly.

FRANCIS
FAUQUIER,
Esq; Governour.

C H A P. I.

An Act to oblige the Persons bringing Slaves into this Colony from Maryland, Carolina, and the West Indies, for their own Use, to pay a Duty. (a)

I. **W**HEREAS great Numbers of Negro and other Slaves, imported to the Provinces of *Maryland, North Carolina*, and other Places in *America*, have been there bought by the Inhabitants of this Colony, and from thence transported hither, whereby not only the Payment of the Duties on Slaves has been evaded, but the Duties imposed by the Laws of those Countries have been

Preamble.

(a) See 25. Geo. 2. (1752) Cap. 1. with the Notes subjoined,

A. D. 1759.

The Duty.

born by our People: For Prevention whereof, *Be it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that from and after the passing of this Act there shall be paid to our Sovereign Lord the King, his Heirs and Successours, for all Slaves imported or brought into this Colony and Dominion from *Maryland, North Carolina, or any other Place in America,* by the Owner or Importer thereof, after the Rate of twenty *per Centum* on the Amount of each respective Purchase really and *bonâ fide* made by such Owner or Importer in such Province or other Place in *America*; to be applied towards discharging the publick Debts of this Colony, and to such other publick Uses as the General Assembly shall from Time to Time direct.

How to be collected.

II. AND to the End the said Duty may be faithfully collected and accounted for, *Be it further enacted, by the Authority aforesaid,* that the Owner or Importer of such Slaves shall, within twenty Days after such Importation, deliver, or cause to be delivered, on Oath, to the Clerk of the Court of the County in which he or she shall reside (which Oath such Clerk is hereby empowered to administer) a true List or Manifest of all Slaves by him or her so imported, distinguishing their Sexes, with a true Account of the Prices by him or her given for the same in such Province or other Place in *America*; and on Failure thereof every such Owner or Importer shall forfeit and pay the Sum of fifty Pounds for every Slave so imported and omitted in such List, or of whose Price a true Account was not given. And every Clerk to whom such List shall be delivered as aforesaid shall, within forty Days after his receiving such List, deliver a Copy of the same to the Sheriff of his County, and also transmit another Copy thereof to the Treasurer of this Colony; and every such Sheriff, upon the Receipt of such List, is hereby empowered and required to demand and collect of such Owner or Importer the Duty herein before laid, according to such List, and in Case of Non-Payment to levy the same by Distress, in like Manner as he is by Law directed to distrain for Levies and other publick Debts. And every such Sheriff shall account for and pay the Duties by him received, according to such List, to the Treasurer of this Colony appointed by or pursuant to an Act of Assembly, on or before the twenty fifth Day of *April* yearly, deducting after the Rate of six *per Centum* for his Trouble in collecting and paying the same; and if any Sheriff shall fail to collect, account for, and pay such Duties, after the Deduction aforesaid, and an Allowance for Persons not dwelling nor having any Effects in his County, it shall and may be lawful for the said Treasurer to demand Judgment against the said Sheriff in the General Court, or Court of the County in which such Sheriff shall reside, for all the Money due on such List, which Judgment the said Court is hereby empowered and required to give on the Motion of the said Treasurer, provided ten Days previous Notice of such Motion be given to such Sheriff.

Penalty on Clerks.

III. *AND be it further enacted, by the Authority aforesaid,* that every County Court Clerk failing to transmit such Copies of every List delivered to him as aforesaid, to the Treasurer and Sheriff, according to the Directions of this Act, shall forfeit and pay the Sum of one Hundred Pounds for every such Failure.

Where Duty paid in imported Gold or Silver.

IV. *PROVIDED* always, that every Owner or Importer of Slaves as aforesaid shall be entitled to the same Advantages on Payment of the said Duty in imported Gold or Silver as is allowed, and according to the Terms prescribed, by Law to the Purchasers of Slaves; and that no Importer of Slaves for his own Use shall be liable to the Payment of any Duty by Virtue of this Act for any Slave that shall die within forty Days after his or her Importation, on due Proof of such Death, according to the Laws now in Force imposing a Duty on the Purchasers of Slaves.

V. *AND* be it further enacted, by the Authority aforesaid, that the several Penalties and Forfeitures arising by Virtue of this Act shall and may be recovered, with Costs, by Action of Debt or Information, in any Court of Record within this Colony, one Moiety whereof shall be to our Sovereign Lord the King, his Heirs and Successors, to be applied to the same Uses as the Duty hereby imposed is appointed, and the other Moiety to him or them that will inform or sue for the same; and the Grand Juries in the General Court, and County Courts in this Colony, respectively, are hereby also empowered and required to present all Offences against this Act to the Court.

A. D. 1759.

How the
Penalty to be
recovered and
appropriated.

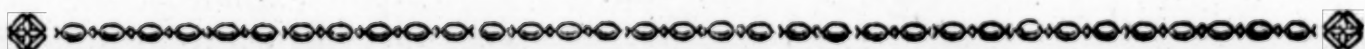
VI. *PROVIDED* also, that nothing in this Act contained shall extend, or be construed to extend, to any Traveller who shall bring with him into this Colony such Slaves as shall be necessary to attend him in his Journey, and shall not sell, barter, or exchange the same in this Colony; nor to any Person or Persons who shall actually remove with their Families and Estates to reside in this Colony.

Exemption

VII. *AND* be it further enacted, that this Act shall continue and be in Force, from the passing thereof, until the twentieth Day of *April* one Thousand seven Hundred and sixty seven, and no longer.

Continuance

FRANCIS FAUQUIER, Esq; Governour.
JOHN ROBINSON, Speaker.



At a GENERAL ASSEMBLY begun and held at the CAPITOL, in *Williamsburg*, on *Thursday* the 14th Day of *September*, in the 32d Year of the Reign of our Sovereign Lord GEORGE II. by the Grace of GOD of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord 1758, and from thence continued, by several Prorogations, to *Monday* the 6th of *October*, in the Year of our LORD 1760, and then held at the CAPITOL, in *Williamsburg*, being the seventh Session of this Assembly.

A. D. 1760.

FRANCIS
FAUQUIER,
Esq; Gover-
nour.

CHAP. I.

An Act to explain and amend the Act intituled An Act for appointing an Agent. (a)

I. **W**HEREAS by an Act of the General Assembly, passed in the thirty second Year of the Reign of his present Majesty, intituled *An Act for appointing an Agent*, *Edward Montague*, of the *Middle Temple*, Esquire, was

(a) See 32 Geo. 2. (1759) Cap. 2. with the Notes subjoined.

A. D. 1760.

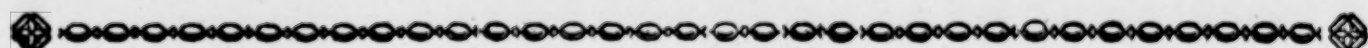
appointed Agent for the Colony, to be at all Times under the Direction of certain Persons thereby declared to be a Committee of Correspondence, to transmit such Matters and Things to him as should be committed to their Charge by the General Assembly, and to receive from him Information and Intelligence of his Proceedings, as well in such Cases as should be to him intrusted by the said Committee, or the major Part of them, as in every other Matter and Thing that should come to his Knowledge that might either affect or be for the Interest of this Colony, and that the said Committee should from Time to Time, as they should be required, lay before the General Assembly Copies of all such Letters and Instructions as should be by them sent to such Agent, as also the Originals of all Letters by them received from the said Agent; and it was further enacted that if any one or more of the Persons so appointed a Committee of Correspondence should presume to write any private Letter to the said Agent, containing any Matter repugnant to such Letters or Instructions as should be transmitted by the major Part of them acting as a Committee, or should write any private Letter, containing any Instructions in any Matter, before the same had been considered and approved of by a Committee, every Person committing such Misdemeanor should be liable to the Censure of the General Assembly; and it was further enacted that it should and might be lawful for the Treasurer of this Colony for the Time being, appointed by or pursuant to an Act of Assembly, to pay unto the said Agent, out of the publick Money that should be in the Treasury, the Sum of five Hundred Pounds Sterling *per Annum*, as a full Compensation for his Trouble and Expenses in the Discharge of his Duty in such Office.

II. *PROVIDED* nevertheless, and it was thereby enacted, that if at any Time the said Committee, or the major Part of them, should think proper to remove the said *Edward Montague*, Esquire, from his Office of Agent, then such Allowance and Power thereby given to the said *Edward Montague*, Esquire, should cease, and such Committee, or the major Part of them, should notify the same to him, and lay their Reasons for so doing before the next succeeding Assembly; or in Case the said *Edward Montague*, Esquire, should die, or refuse to take upon himself the said Office of Agent, the said Committee are thereby empowered and required, either upon the Removal of the said *Edward Montague*, Esquire, from his Office of Agent, or upon his Death, or Refusal to take upon himself the said Office, to appoint some other fit Person in his Room to act as Agent, for such Allowance as aforesaid, to be approved of by the succeeding Assembly; and it was further enacted that the said Act should continue and be in Force, from and after the passing thereof, for and during the Term of seven Years, and no longer.

III. AND whereas a Doubt has arisen in the Construction of the Proviso in the said recited Act, whether the Appointment of another Person to act as Agent for this Colony, in Case of the Removal, Death, or Refusal to act, of the said *Edward Montague*, by the said Committee of Correspondence, which consists of several Members, as well of his Majesty's Council as of the House of Burgesses, according to the Power given to them in the said Proviso, was by the said Act intended to be submitted to the Approbation of the House of Burgesses only, or to the Controul of the whole legislative Power of this Colony; and although the true Intent and Meaning of the Act is that the Appointment in the Proviso mentioned, and the Reasons for the same, should be laid before and approved of by the General Assembly, yet, to obviate all Doubts, it is necessary that the said Act should be explained and amended: *Be it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that the Person so to be appointed by the said Committee of Correspondence to act as Agent for this Colony, in Case of the Removal, Death, or Refusal to act, of the said Edward Montague, shall be first approved of by the Governour, or Commander in Chief of this Colony for the Time being, and continue in the said Office of Agent until the succeeding*

General Assembly, and no longer, unless he shall be approved of by the General Assembly, any Thing in the said recited Act to the contrary, or seeming to the contrary thereof, in any Wise notwithstanding. A. D. 1760.

FRANCIS FAUQUIER, Esq; Governour.
JOHN ROBINSON, Speaker.



At a GENERAL ASSEMBLY begun and held at the CAPITOL, in *Williamsburg*, on *Thursday* the 14th Day of *September*, in the 32d Year of the Reign of our Sovereign Lord GEORGE II. by the Grace of GOD of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord 1758, and from thence continued, by several Prorogations, to *Thursday* the 5th of *March*, in the first Year of the Reign of his present Majesty GEORGE III. by the Grace of GOD of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord 1761, and then held at the CAPITOL, in the City of *Williamsburg*, being the seventh Session of this General Assembly. A. D. 1761.
FRANCIS FAUQUIER, Esq; Governour.

C H A P. I.

An Act to continue and amend an Act intituled An Act for the better regulating and collecting certain Officers Fees, and for other Purposes therein mentioned. (a)

I. **W**HEREAS the Act of the General Assembly made in the nineteenth Year of the Reign of his late Majesty King George the second, intituled *An Act for the better regulating and collecting certain Officers Fees, and for other Purposes therein mentioned*, which hath been continued by several Acts, will expire on the twelfth Day of *April* one Thousand seven Hundred and sixty two, and it being necessary that the same should be further continued, with Amendments: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same*, that the said recited Act, and every Clause and Article thereof, shall continue and be in Force from and after the said twelfth Day of *April* one Thousand seven Hundred and sixty two, for and during the Term of two Years, and no longer.

(a) See 19 Geo. 2. (1745) Cap. 1. and Notes.

A. D. 1761.

Officers Fees
may be paid at
16 s. 8 d.Except in
Halifax, Bed-
ford, and Lou-
doun.

II. *PROVIDED* nevertheless, and be it further enacted, by the Authority aforesaid, that it shall and may be lawful to and for any Person or Persons from whom any Tobacco shall be due for Secretaries, Clerks, Sheriffs, Surveyors, or other Officers Fees, to pay and satisfy the same either in Tobacco, according to the said recited Acts, or in Money, at the Rate of sixteen Shillings and eightpence for every Hundred Pounds of neat Tobacco, and so in Proportion for a greater or lesser Quantity, at the Option of the Payer; and the Sheriffs or Collectors of the said Fees shall, and they are hereby required to receive the same, from any Person or Persons, in Discharge of any such Fees. And the Sheriffs or Collectors of the Fees aforesaid shall account with and pay to the Persons entitled to the same all the Money which they shall receive in Payment of such Fees, which shall discharge such Sheriffs or Collectors from any other Demands for the Fees so paid in Money, any Thing in the said recited Act to the contrary thereof in any Wise notwithstanding: Provided also, that nothing herein contained shall be construed to extend to the Fees of any the Officers aforesaid which shall become due and owing in the Counties of *Halifax, Bedford, and Loudoun*, but that the Fees due in the said Counties shall continue to be paid in the same Manner as if this Act had never been made.

Officers Fees
to be paid, in
Frederick, Au-
gusta, and
Hampshire, at
8 s. 4 d.

III. AND whereas by one Act of the General Assembly made in the twelfth Year of the Reign of his late Majesty King *George* the second, entituled *An Act for erecting two new Counties and Parishes, and granting certain Encouragements to the Inhabitants thereof*, the Inhabitants of the Counties of *Frederick* and *Augusta* were, amongst other Things, allowed to pay the Fees due from them to the Secretary, Clerks, and other Officers, in Money, at the Rate of three Farthings *per* Pound upon the gross Tobacco; and by one other Act of the General Assembly, made in the twenty seventh Year of the Reign of his said late Majesty, entituled *An Act for allowing the Inhabitants of the Counties of Halifax, Hampshire, and Bedford, to discharge their publick Dues and Officers Fees in Money, instead of Tobacco*, the Inhabitants of the County of *Hampshire* were also allowed to discharge the Secretary's, Clerks, and other Officers Fees, in Money, at the like Rate of three Farthings *per* Pound on the gross Tobacco; and whereas it hath been represented to this present General Assembly that the said Rate of three Farthings *per* Pound is much below the real Value of Tobacco, and by no Means adequate to the Trouble and Expense which the Clerks and other Officers in the said Counties are obliged to sustain in the Execution of their several Offices: Be it therefore further enacted, by the Authority aforesaid, that from and after the first Day of *January* next the Inhabitants of the said Counties of *Frederick, Augusta, and Hampshire*, shall discharge all Fees due from them to the Secretary, Clerks, and other Officers in the said Counties, at the Rate of eight Shillings and fourpence for every Hundred Weight of gross Tobacco, any Thing in the before recited Acts to the contrary thereof in any Wise notwithstanding.

A. D. 1761.

C H A P. II.

An Act to amend an Act intituled An Act concerning Seamen, also one other Act intituled An Act for preventing Frauds in the Customs and in clearing of Ships, for ascertaining Collectors and Naval Officers Fees, and to prohibit and prevent the casting Ballast or dead Bodies into Rivers or Creeks. (a)

I. **W**HEREAS by one Act of the General Assembly, made in the twenty second Year of the Reign of his late Majesty King George the second, intituled *An Act concerning Seamen*, it is, among other Things, enacted that if any Master or Commander should discharge, or cause to be put on Shore, any sick or disabled Sailor or Sailors belonging to his Ship or Vessel, or any Servant, without taking due Care for their Maintenance and Cure, he should forfeit and pay ten Pounds current Money to the Churchwarden or Churchwardens of the Parish wherein such Sailor or Sailors, or Servants, should be put on Shore, to be recovered, with Costs, by Action of Debt or Information, in any County Court, and applied towards lessening the Parish Levy, and he should also be liable to the Action of the Churchwardens of that or any other Parish wherein such Sailor or Sailors, or Servant, should become chargeable, for all Expenses of Maintenance and Cure, in which Action no Statute or Act of Limitation should be pleaded.

II. AND whereas by one other Act, made in the same Year, intituled *An Act for preventing Frauds in the Customs and in clearing of Ships, for ascertaining Collectors and Naval Officers Fees, and to prohibit and prevent the casting Ballast or dead Bodies into Rivers or Creeks*, it is, among other Things, also enacted that every Master of a Ship or Vessel within this Colony, having Ballast to unlade, should give Notice thereof in Writing to some Officer appointed in the District where the Vessel rides, pursuant to that Act, and appoint the Time of such Officer's Attendance, and at the Time of his clearing out should produce to the Officer of the Customs by whom he should be cleared a Certificate of his having unladen and brought on Shore his Ballast, as by that Act required; and if any such Master should presume to unload any Ballast before Notice given as aforesaid, or cast or suffer the same to be cast overboard, or should land, or suffer the same to be put on Shore at any other Place, or in any other Manner than should be directed by the proper Officer appointed by Virtue of that Act, he should forfeit and pay fifty Pounds for every such Offence; and if, at the Time of his clearing out, he should fail to produce and deliver to the Officer of the Customs by whom he should be cleared such Certificate as was therein before required, such Failure should amount to a Conviction, and he should be adjudged guilty of a Breach of that Act, and liable to the said Penalty of fifty Pounds: And further, that when any Negro, or other Person whatsoever, should die on Board any Ship or Vessel within this Dominion, the Master of such Ship or Vessel should cause the dead Body to be brought on Shore, and there buried above high Water Mark, four Feet deep at the least, upon Penalty of forfeiting for his Neglect therein, or suffering such dead Body to be cast into the Water, fifty Pounds for every such Offence, one Moiety to the King, his Heirs and Successors, to be paid to the Treasurer, and applied to the Uses in the said Act mentioned, the other Moiety to the Informer; recoverable, with Costs, by Action of Debt or Information, in any Court of Record of this Dominion.

(a) See 22. Geo. 2. (1748) Cap. 12. with Notes subjoined.

A. D. 1761.

In Actions
brought on the
recited Acts,
Defendant to
give special
Bail.

III. AND whereas the Forfeitures and Penalties in the said recited Acts of Assembly mentioned are frequently incurred by the Masters or Commanders of Ships or Vessels in this Colony, but the Recovery thereof evaded by the Persons incurring the same leaving this Colony before any Action or Suit brought for such Forfeitures and Penalties can be determined; and as no Person sued on the the said Acts can, as the Law now stands, be held to special Bail, the Prosecutions are rendered entirely useless, the Masters or Commanders of Ships and Vessels seldom having any Estate in this Colony to levy the Debt and Costs on after a Recovery obtained: For Remedy whereof for the future, *Be it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that upon the Appearance of the Defendant in any Action or Suit brought, or to be brought, on the said in Part recited Acts of Assembly, where the Plaintiff shall move that the Defendant may be held to special Bail, the Court may, if they see Cause, rule him to give special Bail accordingly, or commit him in Custody of the Sheriff till such Bail be given; and the Person and Persons becoming special Bail shall be liable to the Judgment and Recovery against such Defendant, unless he render his Body in Execution in Discharge of his Bail, any Law, Custom, or Usage, to the contrary in any Wise notwithstanding.

N. B. It is
uncertain whe-
ther this Act
has, or will,
obtain the
King's Assent.

IV. *PROVIDED* always, that the Execution of this Act shall be, and the same is hereby suspended, until his Majesty's Approbation thereof shall be obtained.

C H A P. III.

Act Act for regulating the Practice of Attornies. (a)

Examiners.

I. **F**OR the better regulating Attornies practising in the several Courts of this Colony, *Be it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that the Judges of the General Court for the Time being shall, and they are hereby empowered and required to nominate and appoint, from Time to Time, such and so many of the Council learned in the Law, and Attornies practising in the said Court, as they shall think fit to examine into the Capacity, Ability, and Fitness, of such Persons as shall from Time to Time apply for a License to practise as Attornies in the County Courts, or other inferiour Courts of this Colony, and shall cause such Nomination and Appointment to be entered in the Records of their Court; which Persons so nominated and appointed shall, at the Time of their Nomination, make Oath before the General Court that they will well and truly examine into the Capacity, Ability, and Fitness, of all such Persons as shall make Application to them for a License to practise as Attornies, and that they will not grant a License to any Person who shall not, upon Examination, to the best of their Knowledge, be found sufficiently qualified to practise as an Attorney as aforesaid.

The Method
of obtaining a
License.

II. *AND be it further enacted, by the Authority aforesaid,* that every Person desiring a License to practise as an Attorney as aforesaid shall, before he be examined, produce to the Examiners a Certificate from some County Court, or other inferiour Court wherein he intends to practise, of his Probity, Honesty, and good Demeanor, and shall also pay down to such Examiners the Sum of twenty Shillings; after which it shall and may be lawful for such Examiners, and they are hereby empowered and required, to proceed to make such Examination, and

(a) See 5 Geo. 3. (1765) Cap. 15. and 7 Geo. 3. (1766) Cap. 10.

to grant such License as aforesaid, under their Hands and Seals, or to refuse such License to the Person so examined, according as he shall appear fit and qualified or not, upon such Examination. And if the Persons appointed by the General Court as aforesaid shall refuse to be sworn as aforesaid, or being sworn shall grant any License for the Office of an Attorney to any Person applying to them without producing such Certificate as is herein before directed, or shall accept of, or receive, any greater Fee or Reward for the same than before mentioned, they shall respectively, for every such Offence, forfeit and pay one Hundred Pounds, one Moiety thereof to our Sovereign Lord the King, his Heirs and Successors, for and towards the better Support of this Government and the contingent Charges thereof, and the other Moiety to him or them that will inform or sue for the same; to be recovered, with Costs, by Action of Debt or Information, in any Court of Record within this Colony.

A. D. 1761.

III. AND every Person obtaining a License as aforesaid, before he shall be admitted to practise as an Attorney in any County Court, or other inferior Court, shall before every such Court take the Oaths appointed by Law to be taken instead of the Oaths of Allegiance and Supremacy, and take and subscribe the Oath of Abjuration, and subscribe the Test, and shall also take the Oath of an Attorney, as follows, to wit:

I A. B. do swear that I will truly and honestly demean myself in the Practice of an Attorney, according to the best of my Knowledge and Ability.

An Attorney's Oath.

So help me God.

And if any Person whatsoever shall presume to practise as an Attorney in any such County Court, or other inferior Court, without a License first obtained, or without qualifying himself in such Court in the Manner in this Act before mentioned, he shall, for every such Offence, forfeit and pay the Sum of fifty Pounds for every Cause he shall prosecute or defend in any of the said Courts, one Moiety to his Majesty, his Heirs and Successors, for defraying the contingent Charges of this Government, and the other Moiety to the Informer; to be recovered, by Action of Debt or Information, in any County Court, or other inferior Court in this Colony.

IV. PROVIDED always, that no Person that hath been, or hereafter shall be, convicted of any felonious Crime or Crimes, shall be capable to obtain such License; and where any Person convicted of any felonious Crime shall obtain a License, the Judges of the General Court, upon Proof thereof made to them, shall, by their Order, supersede his License.

Who incapable of obtaining a License.

V. AND be it further enacted, by the Authority aforesaid, that if any Attorney shall misdemean himself, and act contrary to his Duty in his Practice, the Judges of the General Court, upon Complaint and Proof thereof made before them, may by their Order supersede such Attorney's License; but the said Judges may at any Time afterwards, when they shall think fit, permit such Attorney to practise again under his former License.

Where an Attorney misbehaves.

VI. PROVIDED always, and it is hereby enacted and declared, that this Act, or any Thing therein contained, so far only as relates to obtaining License, shall not be construed to extend to any Barrister at Law, or any Attorney now practising in the General Court, or any Attorney who hath heretofore been examined and obtained a License, pursuant to the Laws then in Force, to practise the Law.

Barrister.

VII. PROVIDED also, that nothing in this Act contained shall be construed to hinder the Justices of any County Court, or other inferior Court, from causing any Attorney practising in such Courts to find Security for their good

Power of County Courts over Attornies.

C c c c c

A. D. 1761. Behaviour, or fining such Attornies for Misdemeanors, or Contempts against them, in the same Manner as if this Act had never been made.

Where Attornies are negligent, &c.

VIII. *AND be it further enacted*, that if any Attorney in any County Court, or other inferiour Court, shall wittingly or willingly be guilty of any Neglect in any Cause, the Court before whom such Cause shall be depending, upon Complaint and Proof thereof made within six Months after such Neglect, shall have Power and Authority to order such Attorney to pay all Costs occasioned by such Neglect.

Attornies cannot practise both in the General Court and County Courts.

IX. *AND* to prevent frivolous Suits in the General Court, and trifling and vexatious Appeals from the County Courts and other inferiour Courts, *Be it further enacted, by the Authority aforesaid*, that no Attorney practising in the General Court of this Colony, during the Time of his practising therein, shall be admitted or suffered to prosecute or defend any Cause or other Matter in any County Court, or other inferiour Court, depending; and if any such Attorney shall presume to act contrary hereto, he shall, for every Cause he shall so prosecute or defend, forfeit and pay the Sum of twenty Pounds, one Moiety to the Party against whom he shall prosecute or defend such Cause, the other Moiety to the Informer, to be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this Dominion.

But may finish their Causes in the County Courts.

X. *PROVIDED nevertheless*, that such Attorney shall be at Liberty to finish such Causes in which he was before employed in any such Courts, without incurring the Penalties inflicted by this Act: Provided also, that nothing herein contained shall be construed to extend to any Barrister at Law.

But two Lawyers of a Side.

Fees.

XI. *AND be it further enacted, by the Authority aforesaid*, that the Judges of the General Court shall not permit or suffer more than two Lawyers to argue on one Side in any Cause hereafter to be commenced, except in Cases of Life and Death. And for preventing Lawyers taking unreasonable and exorbitant Fees, and for the more equal Settlement of the same, *Be it further enacted, by the Authority aforesaid*, that the Lawyers in this Colony shall not demand, nor directly or indirectly, or by any Device, Way, or Means whatsoever, take or receive, before the Suit or Suits they are or shall be employed in shall be finally determined, any greater or other Fees or Rewards for the following Services than what are herein particularly mentioned and expressed, that is to say: Lawyers practising in the General Court may demand and receive for an Opinion or Advice, where no Suit is or shall be brought and prosecuted or defended by the Attorney giving such Advice, but not otherwise, one Pound one Shilling and Sixpence, and in any Suit at Common Law, other than the Actions herein after mentioned, fifty Shillings; in all Chancery Suits, or real mixed or personal Actions, where the Title or Bounds of Lands shall or may come in Question, five Pounds: And Lawyers practising in the County Courts, or other inferiour Courts, for Services to be by them done in such Courts, may demand for an Opinion or Advice, where no Suit is or shall be brought or prosecuted or defended by the Attorney giving such Advice, but not otherwise, ten Shillings; and in any Suit at common Law, other than the Actions hereafter mentioned, or by Petition, fifteen Shillings; in all Chancery Suits, or real mixed or personal Actions, where the Title or Bounds of Land shall or may come in Question, thirty Shillings; on a Petition for a small Debt, seven Shillings and Sixpence; and any Lawyer for attending a Survey in the Country, for every Day he shall attend may demand one Pound one Shilling and Sixpence, which last mentioned Fee may be taxed in the Bill of Costs. And every Lawyer exacting, taking, receiving, or demanding, any greater Fee, or other Reward, for any of the above Services, before he has performed the said Services, or finished the said Suits, shall forfeit and pay fifty Pounds for every Offence, one Half to our Sovereign Lord the King, his Heirs and Successours, for and towards the better Support of this Government, and

the contingent Charges thereof, and the other Half to the Informer; to be recovered, by Action of Debt or Information, in any Court of Record within this Colony.

A. D. 1761.

XII. *AND be it further enacted, by the Authority aforesaid, that no Lawyer, in any Suit to be brought for his Fees or Services, shall recover more than the Fees above mentioned, notwithstanding any Agreement, Contract, or Obligation, made or entered into by the Party against whom such Suit shall be brought.*

Lawyers can-
not recover
more than the
Fees esta-
blished.

XIII. *AND be it further enacted, that all and every other Act and Acts, Clause and Clauses, for or concerning any Matter or Thing within the Purview of this Act, shall be and they are hereby repealed; and that this Act shall continue and be in Force for and during the Term of five Years, and from thence to the End of the next Session of Assembly.*

Repealing
and continuing
Clause.

C H A P. IV.

An Act for appointing several new Ferries. (a)

I. **W**HEREAS it is represented to this present General Assembly that publick Ferries at the Places hereafter mentioned will be of great Advantage to Travellers, and others, *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that publick Ferries be constantly kept at the following Places, and the Rates for passing the same shall be as follow, that is to say: From the Land of Robert Harper, in the County of Frederick, over Potowmack River, to his Land on the opposite Side, in the Province of Maryland, the Price for a Man threepence three Farthings, and for an Horse the same; from the Land of (b) William Cabel, on the north Side of the Pluvanna River, opposite to the lower Point of Wood's Island, in the County of Albemarle, to the Land of the said Cabel, on the south Side of the said River, at a Place called Hughes's Valley, the Price for a Man threepence, and for an Horse the same; from the Land of John Buchanan, on the north Side of James River, in the County of Augusta, to his Land on the other Side of the said River, the Price for a Man threepence, and for an Horse the same; from the Land of George Brooke, in the County of King and Queen, over Mattapony River, at a Place commonly called Mantapike, to the Land of William Frazier, in the County of King William, the Price for a Man Sixpence, and for an Horse the same; from the Land of the said Frazier to the Land of the said Brooke, the Price for a Man Sixpence, and for an Horse the same; from the Land of John Read, over the western Branch of Nansmond River, in the County of Nansmond, to the Land of Jeremiah Godwin, the Price for a Man threepence, and for an Horse the same; from the Land of Samuel Jones, on the south Side of Roanoke River, in the County of Lunenburg, to the Land of Frederick Jones, on the north Side of the said River, for a Man threepence, and for an Horse the same; from the Land of William Fuqua, on the north Side of Staunton River, in the said County, to the Land of Walter Coles, on the opposite Side of the said River, for a Man threepence, and for an Horse the same; from the Land of Robert Cobbs, in the County of Halifax, on the south Side of Staunton River, to the opposite Landing, in the County of Lunenburg, for a Man threepence, and for an Horse the same; from the Land of James Steward, in the County of Halifax, on the south Side of Staunton River, to the Land of Thomas Steward, on the opposite Side of the said River, in the County of Lunenburg, for a Man*

(a) See 22 Geo. 2. (1748) Cap. 11.

(b) Discontinued by 8 Geo. 3. (1768) Cap. 4.

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threepence, and for an Horſe the ſame; from the Land of *William Roberts*, on the north Side of *Dan River*, in the County of *Halifax*, to the Land of *Harry Gaines*, on the oppoſite Side of the ſaid River, for a Man threepence, and for an Horſe the ſame.

II. AND for the Transportation of Wheel Carriages, Tobacco, Cattle, and other Beaſts, at any of the Places aforeſaid, the Ferrykeeper may demand and take the following Rates, that is to ſay: For every Coach, Chariot, or Waggon, and the Driver thereof, the ſame as for ſix Horſes; for every Cart or four Wheel Chaiſe, and the Driver thereof, the ſame as for four Horſes; for every two Wheel Chaiſe, or Chair, the ſame as for two Horſes; for every Hogſhead of Tobacco, as for one Horſe; for every Head of neat Cattle, as for one Horſe; for every Sheep, Goat, or Lamb, one fifth Part of the Ferriage of one Horſe; and for every Hog, one fourth Part of the Ferriage of one Horſe; according to the Prices herein before ſettled at ſuch Ferries reſpectively, and no more.

III. AND if any Ferrykeeper ſhall preſume to demand and receive, from any Perſon or Perſons whatſoever, any greater Rate than is hereby allowed for the Carriage or Ferriage of any Thing whatſoever, he or they, for every ſuch Offence, ſhall forfeit and pay to the Party grieved the Ferriages demanded and received, and ten Shillings; to be recovered, with Coſts, before any Juſtice of the Peace of the County where ſuch Offence ſhall be committed.

IV. AND where a Ferry is by this Act appointed on one Side of a River, and none on the other Side anſwerable thereto, it ſhall be lawful for the reſpective County Courts to appoint an oppoſite Ferry, and to allow the reſpective Rates herein before directed; and ſuch Courts ſhall and may, and are hereby required to order and direct what Boat or Boats, and what Number of Hands, ſhall be kept at each Ferry reſpectively. And every ſuch Ferrykeeper ſhall enter into Bond in the Manner directed by an Act of Aſſembly made in the twenty ſecond Year of the Reign of his late Maſteſty King *George the Second*, intituled *An Act for the Settlement and Regulation of Ferries, and for Deſpatch of publick Expreſſes*, and ſhall be ſubject and liable to the Penalties thereby inflicted for any Neglect or Omiſſion of their Duty.

CHAP. V.

An Act for taking ſpecial Bail in the Country upon Actions and Suits in the General Court. (a)

General
Court to ap-
point Perſons in
the Counties to
take ſpecial
Bail.

I. **F**OR the greater Eaſe and Benefit of all Perſons whatſoever in taking the Recognizance of ſpecial Bail on all Actions and Suits depending, or to be depending, in the General Court of this Colony, *Be it enacted, by the Lieutenant Governour, Council, and Burgeſſes, of this preſent General Aſſembly, and it is hereby enacted, by the Authority of the ſame,* that the Judges or Juſtices of the General Court of this Colony ſhall and may, by Order of the ſaid Court, from Time to Time, as Need ſhall require, empower ſuch and ſo many Perſons as they ſhall think fit and neceſſary, in all and every the Counties within this Colony, to take and receive all and every ſuch Recognizance or Recognizances of Bail as any Perſon or Perſons ſhall be willing or deſirous to acknowledge or make before any of the Perſons ſo empowered, in any Action or Suit depending, or hereafter to be depending, in the ſaid General Court, *de bene eſſe*; which Recognizance ſhall be in the following Words, to wit:

(a) See 27 Geo. 2. (1753) Cap. 1. and Notes ſubjoined.

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MEMORANDUM, that upon the _____ Day of _____ in _____
 the Year of our Lord _____ E. F. of the County of _____ personally
 appeared before me, G. H. Gentleman, one of the persons appointed by the Honour-
 able the General Court for taking special Bail within the said County of _____
 and undertook for C. D. at the Suit of A. B. in an Action of _____
 now depending in the said General Court, that in Case the said C. D. shall be cast
 in the said Suit he the said C. D. will pay and satisfy the Condemnation of the Court,
 or render his Body to Prison in Execution for the same, or that he the said E. F.
 will do it for him.

Which said Recognizance or Recognizances of Bail shall be transmitted by the
 Person taking the same, before the next succeeding General Court, to the Clerk
 of the Secretary's Office, to be filed with the Papers in such Action or Suit; and
 if the Plaintiff, or his Attorney, shall except to the Sufficiency of the Bail so
 taken, Notice of such Exception shall be given to the Defendant, or his Attorney,
 at least ten Days before the eighth Day of the next succeeding Court: And if
 the Bail so taken shall be judged insufficient by the Court, the Recognizance
 thereof shall be discharged, and such Proceedings shall or may be had against the
 Defendant or Defendants as if no such Bail had been taken; but if such Bail
 shall be judged sufficient, or shall not be excepted to within the Time aforesaid,
 then the same shall stand and be chargeable, to all Intents and Purposes, as if
 the Recognizance had been taken in Court.

II. *AND* be it further enacted, by the Authority aforesaid, that the Person
 taking such Bail as aforesaid shall, at the same Time, deliver to the Person or
 Persons acknowledging the Recognizance afore mentioned a Bail Piece, in the
 Form and Words following, to wit:

_____ County, &c.
C. D. of the Parish of _____ in the County aforesaid, is delivered to _____ Bail Piece
 Bail on a Capi Corpus unto E. F. of the Parish and County aforesaid, at
 the Suit of A. B.
 the _____ Day of _____ in the Year of our Lord 17 _____

C H A P. VI.

*An Act to amend an Act entitled An Act for reducing the several
 Acts for licensing Pedlars, and preventing Frauds in the Duties
 upon Skins and Furs, into one Act. (a)*

I. **W**HEREAS by one Act of Assembly, made in the thirty second Year
 of the Reign of his late Majesty King George the Second, intituled
*An Act for reducing the several Acts for licensing Pedlars, and preventing Frauds
 in the Duties upon Skins and Furs, into one Act*, it is, among other Things, en-
 acted that every Collector of the said Duties should, at the Time of accounting
 for the same with the Person or Persons by his Commission directed, return true
 Lists of all Licenses by him granted, and Bonds thereupon taken, from Time to
 Time, which many Collectors have hitherto neglected to do, and the Fees arising
 from the said Licenses by that Means are seldom paid, according to the Intent of
 that Act: For Remedy whereof, for the future, *Be it enacted, by the Lieutenant
 Governour, Council, and Burgesses, of this present General Assembly, and it is
 hereby enacted, by the Authority of the same, that every Collector granting such*

(a) See 4 Ann. (1705) Cap. 5. with Notes subjoined.

A. D. 1761.

Licenses shall, in the Months of *April* and *October* annually, return, upon Oath, to the Governour, or Commander in Chief of this Colony, and to the President and Masters of the College of *William* and *Mary* for the Time being, true Lists of all Licenses by him granted, and Bonds taken thereupon, by Virtue of the said in Part recited Act of Assembly.

II. AND if any Collector appointed, or to be appointed, in Pursuance of the said Act, shall refuse or neglect to render an Account, and return such Lists as aforesaid, he shall forfeit and pay the Sum of twenty Pounds for every such Refusal or Neglect; to be recovered in the same Manner, and applied to the same Uses, as Recoveries upon Breach of Bonds are by the said Act directed to be.

C H A P. VII.

An Act to oblige the Owners of Mills, Hedges, or Stone Stops, on sundry Rivers therein mentioned, to make Openings or Slopes therein, for the Passage of Fish. (a)

I. **W**HEREAS it hath been represented to this present General Assembly, by the Inhabitants of the Counties of *Brunswick*, *Lunenburg*, and *Prince Edward*, that they used formerly to be plentifully supplied with Fish in the Rivers *Meherrin*, *Nottoway*, and *Appamattox*, to their great Relief and Satisfaction, and that they are now deprived of that providential Assistance by several Gristmills, Hedges, and Stone Stops, erected and raised in the said Rivers, whereby the Passage of Fish up the same is entirely obstructed: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that the Owner or Proprietor of all and every Mill, Hedge, or Stone Stop, now erected and raised on either of the Rivers aforesaid, shall, in the Space of nine Months from and after the passing of this Act, make an Opening or Slope in their respective Mill Dams, Hedges, or Stops, at least ten Feet wide, sufficient for the Passage of Fish over the same.*

II. AND if any such Owner or Proprietor shall neglect or refuse so to do, within the Time aforesaid, every such Owner or Proprietor shall forfeit and pay the Sum of five Pounds for every twenty four Hours he or they shall so neglect or refuse, one Moiety to our Lord the King, his Heirs and Successors, for the Use of the Poor of that Parish where the Offence shall be committed, and the other to the Informer; to be recovered, with Costs, by Action of Debt or Information, in any Court of Record within this Colony and Dominion.

III. *AND be it further enacted, by the Authority aforesaid, that if any Person or Persons shall hereafter erect or raise any Mill, Hedge, or Stone Stop, on either of the Rivers above mentioned, every such Person or Persons shall leave the like Opening or Slope in the same as is herein before directed, and in Case of Neglect or Failure shall be subject and liable to the same Penalty and Forfeiture as the Owners or Proprietors of Mills, Hedges, or Stone Stops, already built and raised in the said Rivers, are by this Act subjected and made liable to; to be recovered, and appropriated, in the Manner before mentioned.*

(a) See 22 Geo. 2. (1748) Cap. 22 and 23. with Notes.

C H A P. VIII.

An Act to amend an Act intituled An Act for the better Preservation of the Breed of Deer, and preventing unlawful Hunting. (a)

I. **W**HEREAS the Act of Assembly made in the twelfth Year of the Reign of his late Majesty King GEORGE the second, of happy and glorious Memory, intituled *An Act for the better Preservation of the Breed of Deer, and preventing unlawful Hunting*, hath been found very beneficial, but not fully to answer the Purposes thereof, as many disorderly Persons make a Practice of killing them in the Frontiers merely for the Sake of the Skins, which they clandestinely carry out of this Colony, without paying the Duty imposed thereon, leaving the Flesh to rot in the Woods, whereby Wolves and other noxious Beasts are nourished, to the Destruction of the Stocks of Cattle, Sheep, and Hogs, of the upper Inhabitants: For Remedy whereof, *Be it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same*, that from and after the passing of this Act, if any Person whatsoever shall shoot or kill any Deer, and after taking off the Skin shall leave the Flesh in the Woods to rot or be devoured by Beasts; every Person so offending shall forfeit and pay the Sum of twenty five Shillings for every Deer so killed, skinned, and left in the Woods; to be recovered, with Costs, before a Justice of the Peace, where the Penalty complained for at one Time does not exceed fifty Shillings, and where it shall exceed that Sum, to be recovered, with Costs, by Action of Debt, in any Court of Record wherein the same shall be cognizable, and shall be divided, one Half to and for the Use of the Parish where the Offence shall be committed, and the other Moiety to the Informer.

II. AND if any Person convicted of the Offence aforesaid shall not immediately pay down the Penalty according to the Judgment of such Court or Justice, or give Security for the Payment thereof within six Months thereafter, such Court or Justice shall order such Person to receive on his bare Back five Lashes, well laid on, for every twenty five Shillings he shall be so condemned to pay, and he shall be thereupon discharged from paying the Money aforesaid.

(a) See 12, Geo. 2. (1738) Cap. 1.

FRANCIS FAUQUIER, Esq; Governour.
JOHN ROBINSON, Speaker.

A. D. 1762.

FRANCIS
FAUQUIER,
Esq; Gover-
nour.

At a GENERAL ASSEMBLY begun and held at the CAPITOL, in the City of *Williamsburg*, on *Tuesday* the 26th of *May*, in the 1st Year of the Reign of our Sovereign Lord GEORGE III. by the Grace of GOD of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and in the Year of our LORD 1761, and from thence continued, by several Prorogations, to *Tuesday* the 30th of *March*, 1762, in the second Year of his Majesty's Reign, and then held at the CAPITOL, in the City of *Williamsburg*, being the third Session of this General Assembly.

C H A P. I.

An Act to amend an Act intituled An Act to explain the Charter and enlarge the Privileges of the Borough of Norfolk, and for other Purposes therein mentioned; also one other Act, intituled An Act for enlarging and ascertaining the Limits of the Borough of Norfolk, and for other Purposes therein mentioned. (a)

I. **W**HEREAS by an Act of Assembly, made in the twenty fifth Year of the Reign of his late Majesty King GEORGE the second, intituled *An Act to explain the Charter and enlarge the Privileges of the Borough of Norfolk, and for other Purposes therein mentioned*, the Court of the County of *Norfolk*, and the Mayor, Recorder, and Aldermen, of the said Borough, or the major Part of them, were invested with full Power and Authority to build on, or let, a certain Lot or Parcel of Land therein mentioned, which at the laying off the said Borough had been set apart for the Use of a School for the Benefit of the Inhabitants of the said Borough and County of *Norfolk*, and to provide and agree with an able Master for the said School, capable to teach the *Greek* and *Latin* Tongues, which said Master, before he should be received or admitted to keep School, should undergo an Examination before the Masters of the College of *William and Mary*, and the Minister of *Elizabeth* Parish for the Time being, and produce a Certificate of his Capacity, and also a License from the Governour or Commander in Chief of this Dominion for the Time being, agreeable to his Majesty's Instructions.

II. **A**ND whereas, in Pursuance of the said Act, a Schoolhouse hath been built on the said Lot, but by Reason of the Variety of Opinions frequently happening between the Justices of the said County and the Mayor, Recorder, and Aldermen, of the said Borough, in the Choice of a Master for the said School,

(a) See 10. Geo. 2. (1736) Cap. 6. with the Notes subjoined.

and in other Matters relative to the Government thereof, the said School hath been greatly neglected, and the good Intentions of the said Act in a great Measure frustrated: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgeſſes, of this preſent General Aſſembly, and it is hereby enacted, by the Authority of the ſame,* that from and after the paſſing of this Act the ſole and abſolute Right of nominating and appointing a Maſter for the ſaid School, and of eſtabliſhing ſuch Rules and Ordinances for the good Government and Regulation of the ſaid School as may be thought neceſſary, ſhall be and the ſame is hereby veſted in the Mayor, Recorder, and Aldermen, of the ſaid Borough of *Norfolk* for the Time being, any Thing in the above in Part recited Act to the contrary thereof in any Wiſe notwithstanding.

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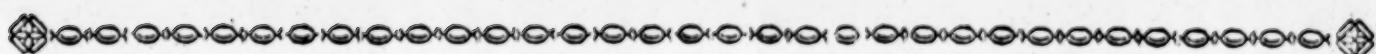
III. AND whereas by another Act of Aſſembly, made in the firſt Year of his preſent Maſteſty's Reign, intituled *An Act for enlarging and aſcertaining the Limits of the Borough of Norfolk, and for other Purpoſes therein mentioned*, reciting, amongſt other Things, that a certain Piece or Parcel of Land in the ſaid Borough of *Norfolk*, whereon a publick Warehouse lately ſtood, commonly called the Fort Land, was daily waſting away by the Waſhing of the River, and that the Juſtices of the ſaid County of *Norfolk*, not having Power to levy Money for that Purpoſe, and there not being ſufficient in the Chamber of the ſaid Borough to defray the Expence of ſecuring the ſame, and building a Wharf and Storehouſes thereon, and that it would be a great Benefit and Advantage to the ſaid County and Borough; and that certain Perſons, named in a Schedule thereunto annexed, had, with the Conſent and Approbation of the Juſtices of the ſaid County, and the Mayor, Recorder, Aldermen, and Common Councilmen, of the ſaid Borough, agreed amongſt themſelves to advance and pay the Sums of Money ſet down and expreſſed againſt their reſpective Names in the ſaid Schedule to Truſtees, to be applied towards enlarging and ſecuring the ſaid Piece or Parcel of Ground, and erecting a Wharf and Storehouſes thereon, upon the Terms and Conditions therein expreſſed, it was therefore enacted that certain Perſons therein named ſhould be, and they were thereby declared, nominated, and appointed, Truſtees and Directors for putting the ſame in Execution.

IV. AND it was further enacted that it ſhould or might be lawful to and for the Juſtices of the ſaid County of *Norfolk* for the Time being, or in Caſe of their Refuſal to and for the Mayor, Recorder, Aldermen, and Common Councilmen, of the ſaid Borough, at any Time thereafter, to purchaſe the ſaid Land and Wharf, and Storehouſes, of the ſaid Truſtees and Directors, or their Succeſſours, for the Uſe and Benefit of the ſaid County or Borough reſpectively; and the ſaid Truſtees and Directors, and their Survivors, ſhould, and they were thereby required, at any Time thereafter, to convey the ſame to the ſaid Juſtices, or Mayor, Recorder, Aldermen, and Common Councilmen, of the ſaid Borough, and their Succeſſours, in Truſt, for the Benefit and Advantage of the Inhabitants of the ſaid County or Borough, upon their reimbursing the ſeveral Perſons named in the ſaid Schedule.

V. AND whereas the Subſcribers named in the ſaid Schedule have, ſince the paſſing the ſaid Act, reſuſed to pay the reſpective Sums of Money therein mentioned, or any Part thereof, for carrying the ſaid Act into Execution, unleſs the ſole Right of purchaſing the ſaid Piece or Parcel of Land, with the Wharf and Storehouſes propoſed to be erected and built thereon, ſhall be veſted in the Mayor, Recorder, Aldermen, and Common Councilmen, of the ſaid Borough, for the Benefit of the Inhabitants of the ſaid Borough only, excluſive of the other Inhabitants of the ſaid County: *Be it therefore further enacted, by the Authority aforeſaid,* that it ſhall and may be lawful to and for the ſaid Mayor, Recorder, Aldermen, and Common Councilmen, of the ſaid Borough for the Time being, at any Time hereafter, to purchaſe the ſaid Land, Wharf, and Storehouſes, of the ſaid Directors and Truſtees, or their Survivors, for the Uſe and Benefit of the

A. D. 1762. *faid Borough; and the faid Trustees and Directors, and their Survivers, shall, and they are hereby required, at any Time hereafter, to convey the same to the faid Mayor, Recorder, Aldermen, and Common Councilmen, of the faid Borough, and their Successours, in Trust, for the Benefit and Advantage of the faid Borough, upon their reimbursing the several Persons named in the faid Schedule, their respective Heirs, Executors, Administrators, or Assigns, or other legal Representatives, the several Sums of Money by them respectively advanced and paid, any Thing in the faid last mentioned Act to the contrary notwithstanding.*

FRANCIS FAUQUIER, *Esq; Governour.*
JOHN ROBINSON, *Speaker.*



FRANCIS
FAUQUIER,
Esq; Governour.

At a GENERAL ASSEMBLY begun and held at the CAPITOL, in the City of *Williamsburg*, on *Tuesday* the 26th of *May*, in the 1st Year of the Reign of our Sovereign Lord GEORGE III. by the Grace of GOD of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord 1761, and from thence continued, by several Prorogations, to *Tuesday* the 2d of *November*, 1762, in the third Year of his Majesty's Reign, and then held at the CAPITOL, in the City of *Williamsburg*, being the fourth Session of this General Assembly.

C H A P. I.

An Act for amending and further continuing the Act for the better regulating and disciplining the Militia. (a)

Preamble.

I. **W**HEREAS the Act of Assembly made in the thirtieth Year of the Reign of his late Majesty King *George* the second, intituled *An Act for the better regulating and disciplining the Militia*, which was continued by another Act made for that Purpose in the thirty second Year of his said late Majesty's Reign, will expire on the eighth Day of *June* next, and it is necessary that the said Act should be further continued, with some Amendments:

Exemptions.

II. *BE it therefore enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that from and after the passing of this Act the several Persons herein after mentioned shall be and are hereby declared to be free and exempt from appearing or mustering either at the private or general Musters of their respective Counties, that is to say: All his Majesty's Justices of the Peace within this Colony*

(a) See 30. Geo. 2. (1757) Cap. 1. with the Notes subjoined,

who have qualified themselves for their Offices, by taking the Oaths by Law appointed to be taken by Justices of the Peace, and who are really and *bona fide* acting Justices of their respective Counties (except such as now do, or hereafter shall, bear any Commission as Officers of the Militia in their respective Counties) all Persons bred to and * actually practising Physick or Surgery, and all Inspectors at the publick Warehouses appointed for the Inspection of Tobacco; and they shall not be subject or liable to any Fine, Forfeiture, or Penalty, for absenting themselves from the same.

A. D. 1762.

* Actual in the Roll.

III. *PROVIDED* always, that the Persons so exempted from mustering shall provide complete Sets of Arms, as are by the said Act required for Soldiers, for the Use of the County, City, or Borough, wherein they shall respectively reside; and if they shall fail or refuse so to do, within one Year after the passing of this Act, then it shall and may be lawful for the Courts of the several Counties, City, or Borough, wherein the Persons before mentioned shall reside, and they are hereby empowered and required, to levy the Value of such Arms on each of them respectively.

Such Ex-
empts to find
Arms.

IV. *PROVIDED* also, that nothing herein contained shall be construed to oblige any of the Persons exempted from mustering as aforesaid, who have already provided Arms for the Use of the County, City, or Borough, wherein they reside, according to the Directions of the said Act.

Not to ex-
tend to former
Exempts.

V. *AND* be it further enacted, by the Authority aforesaid, that every Person so exempted shall always keep in his House or Place of Abode such Arms, Accoutrements, and Ammunition, as are by the said Act required to be kept by the Militia of this Colony; and if he shall fail or refuse so to do he shall forfeit and pay the Sum of five Pounds, to be levied and assessed on him in the same Manner as the several Fines and Forfeitures inflicted by the said Act are directed to be levied and assessed. And such Exempts shall also, in Case of any Invasion or Insurrection, appear with their Arms and Ammunition at such Place as shall be appointed by the Commanding Officer of the Militia of their respective Counties, Cities, or Boroughs, and shall then be incorporated with, and be subject to the same Discipline, Rules, and Orders, and also the same Fines, Forfeitures, and Penalties, for Non-Appearance or Misbehaviour, as the other Militia of this Colony are subject to.

Such Ex-
empts to keep
Arms.

VI. *AND* be it further enacted, by the Authority aforesaid, that from and after the passing of this Act the Lieutenant, or chief Commanding Officer, of the Militia of the several Counties of this Colony, and also of the City of *Williamsburg* and Borough of *Norfolk*, shall cause a general Muster of the several Companies of their Militia once only in every Year, to be in the Months of *March* or *April*; and that a general Court Martial shall be held, in the Manner by the said Act prescribed, on the Day next following the said general Muster, if fair (if not, the next fair Day) and if any Soldier shall at any general or private Muster refuse to perform the Command of his Officer, or behave himself refractorily or mutinously, or misbehave himself at such Court Martial, he shall forfeit and pay the Sum of forty Shillings current Money, to be applied to the same Uses as the other Fines and Forfeitures inflicted by the said Act, and it shall and may be lawful to and for the chief commanding Officer then present to cause such Offender to be tied, Neck and Heels, for any Time not exceeding five Minutes, and shall not inflict any other corporal Punishment.

General
Muster.

VII. *AND* whereas it hath been doubted whether the Sheriffs of *York* and *James City* are by Law obliged to obey the Orders of the Courts Martial of the said City of *Williamsburg*, in receiving or collecting the Fines to which the Inhabitants of the said City may be subject by Virtue of the said Act, Be it therefore further enacted, by the Authority aforesaid, that from and after the passing of

Williamsburg;

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this Act it shall and may be lawful to and for the Courts Martial to be held in Pursuance of the said Act to order and direct either the Sergeant of the said City, or the Sheriffs of the said Counties of *York* and *James City*, to receive and collect all such Fines as shall be inflicted and ordered to be levied by them on such of the Inhabitants of the said City as shall reside in their respective Precincts; and thereupon the said Sergeant or Sheriffs, respectively, shall proceed in the same Manner to collect such Fines, and shall be accountable for them to the Courts Martial of the said City, and shall be subject and liable to the same Prosecution, in Case of their failing, neglecting, or refusing, to collect the said Fines, as are prescribed, directed, and appointed, in the like Cases, for the Counties of this Colony.

Continuance.

VIII. *AND* be it further enacted, by the Authority aforesaid, that this Act, together with the said recited Act, except so much thereof as comes within the Purview of this Act, shall continue and be in Force from and after the said eighth Day of *June* next, for and during the Term of four Years, and from thence to the End of the next Session of Assembly.

C H A P. II.

An Act to amend the Act for encouraging Arts and Manufactures. (a)

I. **W**HEREAS the Act of General Assembly made in the thirty second Year of the Reign of his late Majesty King *George* the Second, entitled *An Act for encouraging Arts and Manufactures*, hath not fully answered the Purposes thereof, the Trustees therein named being restrained from exceeding the Sum of twenty Pounds in any one Bounty or Premium, which is too small an Inducement for many Persons to engage in and prosecute the useful Arts with that Spirit and Industry which are necessary to bring them to Perfection: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that the said Trustees, or any seven of them, shall and may give and award any Sums of Money they shall think proper in Bounties or Premiums, to be issued and paid according to the Directions of the said Act, so as any one Bounty or Premium (except that for Wine, as herein after mentioned) do not exceed the Sum of one Hundred Pounds, and so as the whole Sum to be issued, including the Premiums already offered and published, and the Clerk's Salary, do not exceed one Thousand Pounds, any Thing in that Act contained to the contrary notwithstanding.

II. *AND* whereas nothing can more effectually promote the commercial Interests of *Great Britain* and its Colonies than giving Encouragement to the Growth, Culture, and Production, in the said Colonies, of such Commodities as are either consumed in that Kingdom or are essential to its Manufactures, many of which Commodities are now imported at a great Disadvantage from foreign Countries, although the Soil and Climate of this Colony are proper for some of them; and whereas, on the thirtieth Day of *October*, in the Year of our Lord one Thousand seven Hundred and sixty, sundry Proposals were printed and published, to the following Purpose, to wit: That the Sum of five Hundred Pounds be given as a Premium to the Person who should in any one Year from that Date make the best Wine, in Quantity not less than ten Hogsheads; that one Hundred Pounds be given to the second Candidate; and the Money should be raised by the annual Subscription of such publick spirited Gentlemen as should be willing to encourage the Undertaking; that the first Payment of the Subscription should

(a) See 32 Geo. 2. (1759) Cap. 4.

be made on the thirtieth Day of *October* one Thousand seven Hundred and sixty one, and on the same Day every Year after; that as soon as the Subscription should be sufficient to pay the first Premium there should be a Meeting of the Subscribers, in Order to choose a Collector or Treasurer; that a select Committee should be chosen at the same Time, who should direct in what Manner the said Premiums might be obtained, and inquire into the best Methods of Cultivation, &c. and publish them, for the Information of the Publick; that, if the Subscription would allow of it, a handsome Premium should be given for the making of Silk; and that if there should be any Overplus it should be given for the Encouragement of such other Articles as should appear to the Committee most advantageous to the Colony; and many Persons did subscribe their Names to several Obligations of the same Date, annexed to the said Proposals, whereby they severally obliged themselves, their Heirs, Executors, and Administrators, to pay annually, and every Year, during the Term of eight Years, the respective Sums affixed to their Names, to the Person who should at a Meeting be appointed Treasurer, and for the Purposes contained in the said Proposals, as may more fully appear by a Schedule annexed, containing a true Copy of the said Proposals and Obligations, with the Names of the Subscribers, and the Sums of Money agreed to be paid by them; but the said Subscribers having never yet met altogether, by Reason of their Number, and great Distance from one another, to choose a Treasurer, no Part of the said Money subscribed hath been collected.

III. AND whereas the greater Part of the said Subscribers are willing that the Trustees named in the above mentioned Act of General Assembly, or any seven of them, shall be a Committee for the Purposes mentioned in the said Proposals: To the End, therefore, that the laudable Design of the said Subscribers may be effectually carried into Execution, *Be it further enacted, by the Authority aforesaid*, that the Trustees named in the aforesaid Act of General Assembly, and their Successors, or any seven of them, shall be and they are hereby appointed a Committee, with the same Power as if they had been chosen by all the Subscribers aforesaid at a Meeting, to offer and pay the Premiums, and direct in what Manner they shall be obtained, and to order and perform every other Thing they shall think necessary and conducive to the End by the aforesaid Proposals intended; and also to choose a Collector or Treasurer, who having given such Security as they shall approve of, for the faithful Performance of his Duty, shall have the same Power to collect the several Sums of Money subscribed as aforesaid as if he had been chosen by all the said Subscribers at a Meeting.

IV. *AND be it further enacted, by the Authority aforesaid*, that if by any Accident so much of the said Money subscribed as will be sufficient to pay the said Premium of five Hundred Pounds shall not be collected, such Deficiency shall be supplied, and paid to the Person entitled to the Premium, out of the Sum of one Thousand Pounds above mentioned, notwithstanding any Thing in this Act before contained to the contrary; and that the said Committee, in Case no Person shall, in their Opinion, be entitled to the said Premiums, within the Times limited by the said Proposals for claiming them, may prolong the Time as often as they shall think proper; and that the said Committee shall cause a regular Account of all their Proceedings, in the Execution of this and the former Act, to be kept, to be laid before the General Assembly, whenever they shall be thereunto required.

The SCHEDULE to which this Act refers:

VIRGINIA, *October* 30, 1760.

PROPOSALS for the Encouragement of *Useful Undertakings*.

IT has been long lamented that this Colony should pay annually a considerable Sum of Money for foreign Wines, often mean in Quality, and at an extravagant Price, when we have the greatest Reason to believe our Climate capable of producing as fine Wines as any in the World, were the Cultivation of the Vine-

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A. D. 1762.

yard properly attended to. We have hitherto wanted something that might employ our Young and Old, at present a dead Charge to the Community: The making of Silk might probably afford this Employment, and yield a large Income to the Colony. There are many other Articles which will in Time require our Attention. The Experiments of Wine and Silk are attended with little Expense; and should either of them fail, the Damage cannot be very great. Small Premiums have been already offered by a Society in *England*, and the Committee of Arts and Manufactures in this Colony; but, such is the Force of Habit, that we have little Reason to expect any Benefit from these. The Prospect of future distant Advantage is not strong enough to engage our Attention; and we shall find the Planter continue, without Deviation, in the beaten Track, until he is roused by some great and certain Profit. It is proposed, therefore,

1. That the Sum of five Hundred Pounds be given as a Premium to the Person who shall, in any one Year, within eight Years from this Date, make the best Wine, in Quantity not less than ten Hogsheds.

2. That one Hundred Pounds be given to the second Candidate.

3. That this Money be raised by the annual Subscription of such publick spirited Gentlemen as are willing to encourage the Undertaking.

4. That the first Payment of the Subscription be made on the thirtieth of *October* one Thousand seven Hundred and sixty one, and on the same Day every Year after.

5. That as soon as the Subscription shall be sufficient to pay the first Premium there be a Meeting of the Subscribers, in Order to choose a Collector or Treasurer.

6. That a select Committee be chosen at the same Time, who shall direct in what Manner the said Premiums shall be obtained, and to whom it may be recommended to inquire into the best Methods of Cultivation, &c. and publish them, for the Information of the Publick.

7. That, if the Subscription will allow of it, a handsome Premium be given for the making of Silk.

8. That if there be any Overplus it be given for the Encouragement of such other Articles as shall appear to the Committee most advantageous to the Colony.

VIRGINIA, *October* 30, 1760.

WE the Subscribers do severally oblige Ourselves, ours Heirs, Executors, and Administrators, to pay annually, and every Year, for the Term of eight Years, the respective Sums affixed to our Names, to the Person who shall at a Meeting be appointed Treasurer, and for the Purposes contained in the Proposals annexed.

Francis Fauquier,	£. 10	0	0	George Braxton,	£. 1	0	0
John Blair,	2	10	0	Charles Carter,	3	4	6
William Nelson,	5	0	0	George Washington,	2	0	0
Thomas Nelson,	4	0	0	Thomas Tabb,	2	0	0
Peter Randolph,	2	0	0	William Cabbell, Jun.	1	0	0
John Tayloe,	2	0	0	Landon Carter,	1	0	0
Robert Carter,	2	0	0	Henry Lee,	1	0	0
Presley Thornton,	2	0	0	Philip Mayo,	1	0	0
John Robinson,	5	0	0	Edmund Pendleton,	1	0	0
Peyton Randolph,	2	0	0	George Wytbe,	2	0	0
Lewis Burwell,	5	0	0	Thomas Everard,	1	0	0
Archibald Cary,	2	0	0	Thomas Parramore,	2	0	0

Harry Gaines,	£. 1	0	0	George Thomas,	£. 2	0	0	A. D. 1762.
James Cocke,	1	0	0	John M ^c Douall,	2	0	0	
John Baylor,	2	0	0	John Ruffin,	2	0	0	
Augustine Claiborne,	2	0	0	William Robinson,	2	0	0	
James Hubard,	1	0	0	Thomas Price,	2	0	0	
John Carter,	1	0	0	Peter Whiting,	2	0	0	
William Allen,	1	0	0	Benjamin Cluverius,	2	0	0	
William Digges,	2	0	0	Francis Willis, Jun.	2	0	0	
Thomas Walker,	1	0	0	William Waters,	2	0	0	
Philip Johnson,	1	0	0	Thomas Whiting,	2	0	0	
James Pride,	2	0	0	Richard Cocke,	2	0	0	
Richard Bland,	2	12	0	Robert C. Nicholas,	1	0	0	
Richard Bland, Jun.	1	0	0	Cornelius Calvert,	1	0	0	
Mann Page,	2	0	0	Graham Frank,	1	0	0	
John Blair, Jun.	2	0	0	John de Siqueyra,	1	1	6	
William Kennon,	2	0	0	Richard Eppes,	1	0	0	
William Peachey,	2	0	0	William Fleming,	1	0	0	
Thomas Clayton,	2	0	0	Robert Miller,	1	0	0	
James Mills,	2	0	0	Richard Adams,	1	0	0	
James Mercer,	2	0	0	William Wager,	1	0	0	
William Small,	2	0	0	Richard Henry Lee,	1	0	0	
William Bernard,	2	0	0	Richard Lee,	1	0	0	
William Ellzey,	2	0	0	Robert Ruffin,	1	0	0	
Thomas Moore,	2	0	0	George Carrington,	1	0	0	
Thomas Hornsby	2	0	0	Thomas Harrison,	1	0	0	
John Champe,	2	0	0	Hartwell Cocke,	1	0	0	
Nathaniel Harrison,	2	0	0	Edward C. Travis,	1	0	0	
Archibald Ritchie,	2	0	0	Benjamin Waller,	1	0	0	
William Hunter,	2	0	0	John Fleming,	1	0	0	
Archibald Hunter,	2	0	0	James Carter,	1	0	0	
Robert Tucker,	2	0	0	Philip Rootes,	2	0	0	
Thomas Hodge,	2	0	0	David Jameson,	2	0	0	
James Clarke,	2	0	0	Thomas Adams,	2	0	0	
Alexander Rose,	2	0	0	Thomas Reade Rootes,	2	0	0	
David Ker,	2	0	0	Theoderick Bland,	2	0	0	
Edward Dixon,	2	0	0	Alex. John Alexander,	2	0	0	
Roger Atkinson,	2	0	0	Peter Johnston,	2	0	0	
John M ^c Neill,	2	0	0	William Lightfoot,	2	0	0	
Leonard Price,	2	0	0	Christopher Robinson,	2	0	0	
Alexander Boyd,	2	0	0					

C H A P. III.

An Act for inspecting Pork, Beef, Flower, Tar, Pitch, and Turpentine. (a)

I. **W**HEREAS the several Laws made for the Inspection of Pork, Beef, Flower, Tar, Pitch, and Turpentine, are now expired; and as they have been, by Experience, found useful and beneficial to the Trade and Export of this Colony: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that no Pork, Beef, or Flower, shall be exported out of this Colony, or Tar, Pitch, or Turpentine, exposed to Sale, or exported, until*

(a) By 28. Geo. 2. (1755) Cap. 3. Inspectors prohibited from purchasing Tar, &c. by 5. Geo. 3. (1765) Cap. 10. this Act amended, and by 7. Geo. 3. (1766) Cap. 9. the Allowance for inspecting Flower reduced.

A. D. 1762.

County
Courts to ap-
point Inspec-
tors.Inspectors to
be sworn.To attend on
Notice.To provide
Stamps.Their Allow-
ance.

Penalties.

Their Duty.

the same shall be packed or filled in Barrels, under the Regulation herein after expressed; and the Justices of every County Court within this Dominion are hereby authorized and required, in the Month of *August* or *September*, annually, to nominate and appoint, in open Court, one or more (not exceeding six in one County) fit and able Person or Persons, residing in the same County, to inspect the Package, and weigh all Pork, Beef, and Flower, and also to inspect the filling of all Tar, Pitch, or Turpentine, packed or filled for Sale or Exportation, in their respective Counties. And the said Courts may appoint the same Person or Persons to be Inspectors of Pork, Beef, Flower, Tar, Pitch, and Turpentine, if such Person appears to them duly qualified, or may appoint several Inspectors, as in their Discretion shall seem best; and every Person so appointed shall, before he enters upon the Execution of that Office, make Oath before the Justices of his County Court carefully to view, inspect, and examine, when required, all Pork, Beef, Flower, Tar, Pitch, and Turpentine, packed or filled for Sale or Exportation, and to the best of his Skill and Judgment not to pass or stamp any Barrel of Pork or Beef, or any Flower, Pitch, Tar, or Turpentine, that is not good, clean, sound, merchantable, and of the Weight or Gauge by this Act directed, and faithfully to discharge the Duty of his Office, without Favour, Affection, or Partiality; and shall constantly attend, upon Notice, at such Time and Place as the Owner of any of the said Commodities shall appoint, to inspect the same within his County, but shall not inspect or stamp any Tar, Pitch, or Turpentine, or any Pork or Beef, imported from *Carolina*, until the same shall be brought to some publick Landing; and shall provide a Stamp, or Stamps, with the first Letter of his County, the Letter V for *Virginia*, the first Letter of his own Christian Name, and his whole Surname at Length, to be stamped on each Barrel or Cask by him passed, and on every Cask or Barrel of Flower the gross, tare, and neat Weight thereof, and a Distinction of the Fineness, by the Words first or second stamped on the Head, and on every Barrel of Pork the Letter L for large, or the Letter S for small Pork, and on the Head of every Barrel of Tar, Pitch, and Turpentine, shall distinguish whether the same be Tar, Pitch, or Turpentine, for which he may demand and take, for every Barrel of Pork or Beef by him stamped, Sixpence, for every Barrel of Tar, Pitch, or Turpentine, two-pence, for every Barrel of Flower, containing two Hundred and twenty Pounds neat, or less, threepence, and for every Cask of greater Weight Sixpence, and no more, to be paid down by the Owner. And if any Officer, so appointed and sworn, shall neglect his Duty, or stamp any of the Commodities aforesaid contrary to this Act, he shall forfeit and pay twenty Shillings for every Barrel of Pork or Beef, ten Shillings for every Barrel or Cask of Flower, and five Shillings for every Barrel of Tar, Pitch, or Turpentine, which shall be found not duly qualified, or of less Weight or Contents than this Act requires, and also five Shillings for every Neglect of his Duty; recoverable, by the Informer, with Costs, before a Justice of Peace of the County where such Offence shall be committed.

II. *AND be it further enacted, by the Authority aforesaid*, that every Barrel of Pork or Beef packed within this Colony for Sale or Exportation, or imported here, shall contain at least two Hundred and twenty Pounds neat of good clean, fat, sound, merchantable Meat, well salted between each Layer, well pickled, nailed, and pegged, and no more than two Heads of Pork in one Barrel; and no Inspector shall pass or stamp any Barrel of Pork or Beef that does not appear to such Inspector to be well salted and cured before the same is packed: And after the same has been inspected, weighed, found merchantable, and passed by the Inspector or Inspectors residing in the County where the same shall be packed or imported, every such Barrel shall be by him or them stamped or branded as aforesaid, and Certificate thereof given to the Owner. And every Barrel of Tar, Pitch, and Turpentine, shall contain thirty one Gallons and a Half, Wine Measure, at the least; and after the same shall be inspected, gauged, found clean, well and truly made merchantable, and passed by the Inspector or Inspectors of the County where the same shall be inspected, shall be by him or them stamped

or branded, and Certificate thereof given to the Owner as aforesaid. And that every Person making, or causing to be made, Wheat Flower, intended * [for Exportation, shall make Oath before a Justice of the Peace that the Flower by him intended] to be exported, or sold for Exportation, is clean and pure, not mixed with Meal of *Indian* Corn, Pease, or any other Grain or Pulse, to the best of his Knowledge, which Oath every Justice of Peace is hereby empowered, upon Request of the Owner of such Flower, to administer, and shall grant a Certificate of such Oath before him made; and such Certificate being produced to the Inspector, he shall diligently view and examine the Flower therein mentioned, and if by him found clean, pure, unmixed, and merchantable, shall see the same packed in Casks or Barrels well secured for Exportation, and shall stamp or brand the same in the Manner herein before directed.

A. D. 1762.
* The Words
within the
Brackets are not
in the Roll.

III. *AND* be it further enacted, by the Authority aforesaid, that all Pork or Beef exposed to Sale or Barter within this Colony, in Barrels, whether the same be packed here or imported from *Carolina*, or any other Place, shall contain at least two Hundred and twenty Pounds neat Meat, allowing only two and a Half *per Centum* for Shrinkage or Loss of Weight; and every Barrel of Tar, Pitch, or Turpentine, exposed to Sale or Barter, whether made here or imported from any other Place, shall contain at least thirty one Gallons and a Half, Wine Measure, and be stamped or branded as this Act directs. And if any Person shall presume to sell, or expose to Sale or Barter, any Barrel of Pork, Beef, Tar, Pitch, or Turpentine, of less Weight or Gauge, he or she shall forfeit and pay to the Informer twenty four Shillings current Money for every such Barrel of Pork or Beef, and five Shillings for every such Barrel of Tar, Pitch, or Turpentine, sold or exposed to Sale or Barter in this Dominion; recoverable, with Costs, by the Informer, before any Justice of the County where such Offence shall be committed, although the Penalty shall exceed twenty five Shillings current Money: And every Justice of the Peace, upon such Complaint before him made, and due Proof of such Offence, shall and may, by Virtue of this Act, give Judgment for the whole Penalty, and award Execution thereupon, any Law to the contrary notwithstanding.

Penalty on
Persons selling
Pork, &c. in
Casks contain-
ing less than is
hereby directed.

To be reco-
vered before a
Justice.

IV. *PROVIDED* nevertheless, that from such Judgment for more than twenty five Shillings current Money the Party grieved may appeal to the next Court to be held for the County wherein such Complaint was made, the Appellant entering into Bond, with sufficient Security, before the Justice by whom the Judgment shall be given, that he will prosecute his Appeal with Effect, and pay the same Judgment, and all Costs awarded by the Court, if the Judgment shall be affirmed; and the Justice of Peace taking such Bond shall return the same, together with the whole Record of his Proceedings in the Cause, to the same Court to which such Appeal shall be, which Court shall and may receive, hear, and finally determine, the same.

Appeal to the
County Court,
Party giving
Bond, which is
to be returned
to the said
Court.

V. *AND* be it further enacted, by the Authority aforesaid, that every Seller or Exporter of Pork, Beef, Flower, Tar, Pitch, and Turpentine, packed or filled in this Colony, and stamped or branded, shall make Oath before a Justice of Peace, at the Time of the Delivery of the Goods sold or exported, that the several Barrels by him then sold or exported are the same that were inspected and passed, and do contain the full Quantity, without Embezzlement or Alteration to his Knowledge; and every Person taking a false Oath, and being lawfully convicted thereof, shall suffer the Pains and Penalties inflicted on Persons guilty of wilful and corrupt Perjury, and moreover shall forfeit and pay the Sum of fifty Pounds, to be recovered by any Person or Persons that will sue for the same, to his or their own Use. And that every Master of a Vessel wherein Pork, Beef, Flower, Tar, Pitch, or Turpentine, shall be exported, shall make Oath that he will not knowingly take, or suffer to be taken, on Board his Ship or Vessel, any Pork, Beef, Tar, Pitch, Turpentine, or Flower, contrary to Law, which Oath the respective

Oath of Sel-
ler or Exporter.

Penalty on
making false
Oath.

Oath of a
Master.

A. D. 1762. Naval Officers of this Colony are hereby required to administer. And if any of the said Commodities, packed or filled in Barrels or Casks for Exportation, are not stamped or branded as aforesaid, or any Parcels of Pork or Beef unpacked, or any Flower in Barrels or Casks not so stamped, except for necessary Provisions only, shall be put on Board any Ship or Vessel, to be exported as Merchandise, every such Cask, Barrel, or Parcel, may be seized by any sworn Officer, and brought on Shore, and the same, or the Value thereof, shall be forfeited to the Informer, recoverable before a Justice of Peace; and the Officer seizing the same may demand * and take the like Fees as for seiving an Execution, to be paid by the Party from whom such Seizure shall be: And if such Officer shall be sued for any Thing by him done in Pursuance of this Act, he may plead the General Issue; and give this Act in Evidence; and upon Nonsuit, or Verdict for the Defendant, he shall have double Costs. And the Master of such Ship or Vessel shall forfeit and pay twenty Shillings for every Barrel or Cask of Pork, Beef, or Flower, and five Shillings for every Barrel of Tar, Pitch, or Turpentine, so taken on Board, recoverable, by the Informer, before a Justice of the Peace of any County within this Colony, if the Sum of such Forfeiture shall not exceed five Pounds, for which such Justice is hereby authorized to grant Judgment and Execution thereupon; but where such Forfeiture shall amount to more than that Sum, then to be recovered by Action of Debt or Information, in any Court of Record of this Dominion having Cognizance of such Sum.

Unstamped Pork liable to be seized.

** And not in the Roll.*

Officers may give this Act in Evidence.

Penalty on Masters.

VI. *AND be it further enacted, by the Authority aforesaid,* that every Cooper, and the Master or Owner of every Servant or Slave who shall set up Barrels for Pork, Beef, Tar, Pitch, or Turpentine, shall make the same with good strong well seasoned Timber, tight and well hooped, with twelve Hoops at least; every Barrel for Pork or Beef to contain from twenty nine to thirty one Gallons each, and every Barrel for Tar, Pitch, or Turpentine, thirty one Gallons and a Half at least, with his Name, or the Name of the Master of such Servant or Slave, at Length, stamped or branded upon every Barrel, under the Penalty of two Shillings and Sixpence for every Barrel set up for Sale or Exportation and not so stamped or branded, or of less Contents than aforesaid, recoverable by the Informer before a Justice of Peace.

Duty of Coopers.

VII. *AND be it further enacted, by the Authority aforesaid,* that this Act shall continue and be in Force, from and after the first Day of *August* next, for and during the Term of ten Years, and from thence to the End of the next Session of Assembly.

Continuance.

C H A P. IV.

An Act for regulating the Gold Coin of the German Empire.

I. **W**HEREAS by an Act of Assembly, made in the first Year of the Reign of her late Majesty (a) Queen Anne, intituled *An Act for regulating and settling the current Rates of Gold Coin, and of British Silver Coin, in this Dominion*, the Gold Coin of the Empire was made current in this Colony, at the Rate of five Shillings the Pennyweight, and it has been found that the said Gold is worse than the *Spanish* Doublons at least fifteen *per Cent.* and it may be of the most dangerous Consequences to the Trade and Currency of this Colony to permit so base a Coin to pass in Payment at the same Rate with other Gold of more intrinsick Value: For settling the same, *Be it enacted, by the Lieutenant Governour, Council, and Burgessees, of this present General Assembly, and it is hereby*

(a) This a Mistake. The Act passed in the 1st Year of the Reign of Geo. 1. (1714) which see Cap. 1. with the Notes subjoined.

enacted, by the Authority of the same, that from and after the passing of this Act all the Gold Coin of the German Empire shall be current within this his Majesty's Colony and Dominion in all Payments, and may be tendered in Discharge of all Contracts, Bargains, and Debts, except his Majesty's Quitrents, at the Rate of four Shillings and threepence the Pennyweight, and no more.

A. D. 1762.

German Gold
current at 4 s.
3 d. per Penny-
weight.

II. *PROVIDED* always, and it is hereby further enacted, by the Authority *Proviso.* *aforsaid*, that it shall and may be lawful to and for any Person whatsoever, who shall be actually and *bona fide* in Possession of any such German Gold at the Time of the passing of this Act, to carry and produce the same before any Justice of the Peace of this Colony within two Months after that Time, but not afterwards, and make Oath before him that the same was actually in his Possession at the passing of this Act, and thereupon such Justice shall give him a Certificate of the Quantity of the said German Gold so produced to him by such Person, and of his having taken such Oath as *aforsaid*; and that it shall and may be lawful to and for the Treasurer of this Colony for the Time being, at any Time within six Months after the passing of this Act, out of the publick Money in his Hands, to pay to any Person producing to him such a Certificate from a Justice as *aforsaid* the Difference between the Value of such German Gold, as it was settled by the said in Part recited Act and this Act.

CHAP. V.

An Act for the more effectual keeping the publick Roads and Bridges in Repair. (a)

I. **F**OR the better and more effectual keeping the publick Roads, Highways, and Bridges, in Repair, *Be it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that if any Justice of the Peace, upon his own View, shall find any publick Road, Mill Dam, or Bridge, over the Pier Head or Flood Gates over which any such Road leads not kept in good Repair, according to the Directions of the Act intituled *An Act concerning Highways, Mill Dams, and Bridges*, such Justice may, and he is hereby empowered to issue his Warrant against the Surveyor of such Road, or Owner or Occupier of such Mill, and if no reasonable Cause is shewn to the contrary to give Judgment and award Execution against the Estate of such Surveyor, or Owner or Occupier of such Mill, for the Penalty in the said recited Act mentioned; and where any Mill Dam shall cross the Boundary between two Counties, any Justice of either of the said Counties may take Cognizance of any Breach of this and the before recited Act.

Justices may
on their own
View issue their
Warrants a-
gainst Sur-
veyors, where
Roads are out
of Repair.

II. *AND* be it further enacted, by the Authority *aforsaid*, that when any County Court, or Trustees appointed by or pursuant to any Act of Assembly, shall let any Bridge or Causey to be built, such Court or Trustees shall, and they are hereby required to take Bond, with one good Security at the least, from the Undertaker or Builder of such Bridge or Causey, in double the Sum agreed to be paid for such Bridge or Causey, with Condition for building the same in a strong substantial Manner, according to the Directions of the said recited Act, and keeping the same in good Repair, according to their Agreement; which Bond shall be payable to his Majesty, his Heirs and Successors, and shall be lodged in the Clerk's Office of the County. And if any Person or Persons shall sustain Loss or Injury by Means of the unskilful building, and not keeping in Repair, such Bridge or Causey, during the Term mentioned in the said Bond, every Person or Persons so injured, or sustaining Loss, may, as often as the Case shall

Courts to
take Bonds for
building
Bridges and
Causeys, pay-
able to the
King.

Persons in-
jured may bring
Suits on said
Bonds.

(a) See 22 Geo. 2. (1748) Cap. 22. with Notes subjoined.

A. D. 1762. happen, put the said Bond in Suit, and prosecute for his or their Damages and Costs, until the whole Penalty of such Bond shall be recovered; and the Undertaker or Builder of such Bridge or Causey shall, moreover, be liable to the same Penalty, to be recovered in the same Manner as Surveyors of publick Roads are liable to for not keeping the Roads or Highways in Repair.

Penalty on Undertakers.

III. *PROVIDED* always, that if any such Bridge or Causey shall happen to be destroyed, or carried away by Tempest, or other Accident, the Undertaker or Builder thereof shall not be liable to any of the said Penalties, if he shall rebuild the same within three Months from the Time of its being carried away or destroyed as aforesaid.

Not liable in certain Cases.

Surveyors may take Timber or Earth for making or repairing Causeys.

May impress Carriages by a Warrant from a Justice.

IV. *AND* be it further enacted, by the Authority aforesaid, that where any Causey is or shall be necessary to be made in any publick Road or Highway, the Surveyor thereof may, from Time to Time, cut and take from the Lands of any Person or Persons such and so much Timber or Earth as shall be necessary for making, erecting, or keeping in Repair, such Causey; and where the Surveyor cannot make, erect, or keep in Repair, such Causey, without the Assistance of Wheel Carriages, Draught Horses, or Oxen, in that Case it shall and may be lawful for any Justice of the Peace of the County, and he is hereby required, upon Application made to him by such Surveyor, to issue his Warrant, under his Hand and Seal, empowering such Surveyor to impress any necessary Wheel Carriages, Draught Horses, or Oxen, with other Conveniences belonging to the Owner or Owners of any of the tithable Servants or Slaves, or to any other Person appointed by the County Court to attend such Surveyor, in laying out, clearing, or keeping in Repair, the Roads in his Precinct.

Not to take Earth from Lots in Town.

V. *PROVIDED* always, that where any publick Road or Highway leads through a City or Town, the Surveyor of such Road or Highway shall not take any Earth from any of the Lots within the Limits of the said City or Town, without the Permission of the Owners thereof, but shall take the same for the Purposes aforesaid from the Lands nigh or adjacent to the said City or Town, and from such Places where it shall do the least Damage to any Enclosure or other Conveniences upon the said Land.

Valuation to be made.

VI. *PROVIDED* also, that it shall not be lawful for any Surveyor to make Use of or carry any Timber or Earth from the Lands of any Person for the Uses aforesaid, without the Consent of the Owner thereof, until the same be first viewed and valued, nor of any Wheel Carriage, Draught Horse, or Ox, until a Valuation by the Day be made for the Use of such Wheel Carriage, Draught Horse, or Ox; which several Valuations shall be made by two honest Housekeepers, upon Oath, appointed and sworn by some Justice of the Peace, and the County Court shall, in their next County Levy, allow the Owner or Owners thereof according to such Valuation, upon the Certificate from the said two Housekeepers to them produced.

Clerks and Sheriff's Duty in giving Notice to Surveyors.

Penalty.

VII. *AND* be it further enacted, by the Authority aforesaid, that the Clerks of the several County Courts shall, within ten Days after the Appointment of any Surveyor of a Road within his County, deliver to the Sheriff a Copy of the Court's Order for appointing such Surveyor; and the Sheriff shall, within fifteen Days after the Receipt of such Order, serve the Person so appointed Surveyor with the same, and shall make Return of such Service to the Clerk, to be filed among the Papers in his Office. And if any Clerk or Sheriff shall fail to perform the Duty hereby required of him, such Clerk or Sheriff shall forfeit and pay the Sum of fifteen Shillings; to be recovered in the same Manner as the Penalty inflicted by the said recited Act on Surveyors of the publick Roads is made recoverable.

VIII. *AND be it further enacted, by the Authority aforesaid, that the Clerks of the several County Courts within this Colony shall, and they are hereby required, once in every Year, to fix up in the Courthouse of their County a List of all the Surveyors of the Highways within their respective Counties, with an exact Account of the Precincts appointed for each particular Surveyor; and every County Court Clerk who shall fail to perform his Duty therein shall forfeit and pay the Sum of fifteen Shillings for every such Failure.*

A. D. 1762.
Clerks to set
up in Court-
houses a List of
Surveyors.

Penalty.

IX. *AND be it further enacted, by the Authority aforesaid, that the Penalties inflicted by this Act, and not otherwise appropriated, shall be to his Majesty, his Heirs and Successors, for the Use of the County wherein the same shall arise; to be applied by the Court of the said County towards lessening the Levy by the Poll.*

Appropriation of Penalties.

X. *AND be it further enacted, by the Authority aforesaid, that this Act shall continue and be in Force for and during the Term of three Years, and from thence to the * End of the next Session of Assembly.*

By 7 Geo. 3.
(1766) Cap. 5.
amended, and
continued
5 Years.

* End not
in the Roll.

CHAP. VI.

An Act for establishing Pilots, and regulating their Fees.

I. **W**HEREAS it is necessary, for the Safety and Preservation of Ships and Vessels coming into the Bay of *Chesapeake*, bound up the Rivers of this Dominion, that able and experienced Pilots should be established, to conduct such Vessels, for reasonable Fees, to their several Moorings, and to prevent ignorant or unskilful Persons from undertaking such Pilotage: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that the Courts of the several Counties of Princess Anne, Norfolk, Nansemond, Chesterfield, Elizabeth City, York, Gloucester, Middlesex, Lancaster, Northumberland, and Westmoreland, are hereby directed to nominate and appoint three fit Persons in their respective Counties, who shall, upon being so appointed, examine every Person who shall desire to be admitted a Pilot, he first paying down to the said Examiners the Sum of twenty Shillings; and if upon such Examination the Person shall appear of sufficient Skill and Ability, the said Examiners shall thereupon grant such Person a Branch, and thenceforth he shall be reputed a lawful Pilot.*

Certain
Courts to ap-
point Persons to
examine Pilots.

Examiners to
give Branches.

II. *PROVIDED, that no Person whatsoever shall be permitted to execute the Business of a Pilot, notwithstanding he may have such Branch as aforesaid, unless he, or the Company to which he belongs, shall keep one sufficient Pilot Boat, rigged and provided according to the usual Manner, of eighteen Feet Keel at the least, under the Penalty of fifty Pounds for every Ship or Vessel such Pilot shall undertake to conduct; to be recovered, with Costs, by Action of Debt, in any Court of Record of this Dominion, by the Informer, or Party suing for the same, to his or their own Use. And if any Person not having such Branch, and keeping such Boat as aforesaid, shall presume to take upon himself to conduct or pilot any Ship or Vessel coming from Sea to any Place or Places herein after mentioned, every such Person shall forfeit and pay for the first Offence ten Pounds current Money, for the second Offence twenty Pounds, and for every Offence thereafter forty Pounds of like Money; to be recovered, with Costs, by Action of Debt, in any Court of Record of this Dominion, by the Informer, or Party suing for the same, to his or their own Use: And, moreover,*

Pilots to keep
sufficient Boats.

Penalties

H h h h h

A. D. 1762.

such Person shall be liable for all Damages occasioned by his undertaking the Pilotage; to be recovered by Action at the common Law, at the Suit of the Party or Parties grieved.

Proviso.

III. *PROVIDED*, that this Act shall not extend, or be construed to extend, to hinder any Person or Persons from assisting any Ship or Vessel in Distress, or subject such Person or Persons to the Penalty thereof, so as he or they shall deliver up such Ship or Vessel to the Pilot who shall come on Board and offer to undertake the Conduct of her, for which such Assistant shall and may demand and take Half the Fees allowed for Pilotage by this Act.

No more
than two Pilots
to be in Part-
nership.

IV. *AND* whereas great Inconveniences have arisen from Pilots entering into Combination or Partnership, which has occasioned great Neglect of their Duty: For Prevention whereof, *Be it further enacted, by the Authority aforesaid*, that from and after the tenth Day of *April* next no more than two Pilots shall be in Partnership, under the Penalty of one Hundred Pounds to the Informer; to be recovered, with Costs, by Action of Debt, in any Court of Record of this Dominion.

Rules to be
observed by
Pilots and Mas-
ters of Ships.

V. *AND* for the Encouragement of Pilots to do their Duty, *Be it further enacted, by the Authority aforesaid*, that all Pilots shall keep a good Lookout, and that every Master of a Merchant's Vessel coming from Sea shall be obliged to receive the Pilot who first offers to conduct his Vessel, or shall pay him Half Pilotage to the first Port, and then may continue the same, or choose another Pilot, or proceed without any Pilot, if he thinks fit; and if any Pilot, not being hindered by Sickness, or other lawful Cause, shall refuse to go on Board any Vessel, when required by the Master, to execute his Office, he shall, upon Complaint and Conviction of such Refusal before the Examiners, be liable to be suspended by them for such Term or Time as they shall think fit.

Pilots inca-
pacitated, and
liable to Da-
mages, for
losing Ships.

VI. *AND be it further enacted, by the Authority aforesaid*, that if any Pilot shall negligently or carelessly lose any Vessel under his Care, and be thereof convicted by due Course of Law, he shall, for ever after such Conviction, be incapable of acting as a Pilot in this Colony, and shall also be liable to pay all such Damages as any Person or Persons shall sustain by such Negligence or Carelessness, to be recovered as is before directed.

VII. *AND* for preventing any exorbitant Demands for Pilotage, *Be it further enacted, by the Authority aforesaid, and it is hereby enacted*, that the following, and no greater Prices, shall be taken or demanded, to wit:

On *JAMES* River, for all Ships, Snows or Brigantines.

From Cape Henry, or Lynhaven Bay, to Hampton Road, } £. 1 0 0
or Sewell's Point, - - - - - }

Fees.

	To Norfolk,	per Foot	0 1 8
	To Sleepy Hole, or Sack Point, Nanjemon,	do.	0 2 0
	To Pagan Creek,	do.	0 1 6
	To Jamestown,	do.	0 4 6
	To Merchant's Brandon,	do.	0 5 0
	To Flower de Hundred,	do.	0 5 6
	To Westover,	do.	0 6 0
	To City Point, or Bermuda Hundred,	do.	0 7 0
	To Four Mile Creek,	do.	0 9 0
	To Osborne's Warehouse,	do.	10 0
	To Warwick,	do.	11 0

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On YORK River.

From the Cape, or Lynhaven River, to York Town,	£. 2 0 0
Back River, or Egg Island, to York Town,	1 0 0
York to West Point, - - - - - per Foot	0 3 0
West Point to Holt's, or Danfie's	do. 0 1 0
West Point to Littlepage's, or to the highest	do. 0 1 6
Landing Ships can go to on Pamunkey River, }	
West Point to Shephard's,	do. 0 0 6
to Meredith's, Moore's, or the highest }	
Landing on Mattaponi River,	do. 0 1 0
the Cape to any River in Mobjack Bay, the same Pilotage as to York Town.	

On RAPPAHANNOCK River.

From the Cape to Urbanna,	£. 3 0 0
Urbanna to Hobb's Hole, - - - - - per Foot	0 2 6
Hobb's Hole to Mulberry Island, or Naylor's Hole,	do. 0 1 3
Mulberry Island to Leeds, or Micou's,	do. 0 1 3
Leeds, or Micou's, to Port Royal,	do. 0 2 0
Port Royal to Morton's,	do. 0 1 3
the Cape into Pianketank, to Kemp's Warehouse, or any other Place, the same Pilotage as to Urbanna.	

On POTOWMACK River.

From Cape Henry to Smith's Point, on South Potowmack,	£. 5 0 0
Smith's Point, { To Coan, per Foot	0 1 8
{ To Yeocomico,	do. 0 1 10
{ To Machodax,	do. 0 2 0
{ To Nomini,	do. 0 2 2
{ To Maddox,	do. 0 2 6
{ To upper Machodax,	do. 0 3 0
{ To Nangomy,	do. 0 4 0
{ To Boyd's Hole,	do. 0 4 4
{ To Acquia,	do. 0 4 9
{ To Quantico,	do. 0 5 0
{ To Occoquan,	do. 0 5 4
{ To Piscataway,	do. 0 6 4
{ To Alexandria,	do. 0 7 6
{ To Eastern Branch.	do. 0 8 0

And the same Fees back again, from the several Places aforesaid, to the Capes, and no more; and for all Sloops and Schooners, two thirds of the Rates of Pilotage. And that every Master of a Ship or Vessel shall give reasonable Notice to the Pilot he shall employ of the Time and Place such Master shall appoint for his Attendance, and such Pilot shall attend accordingly, and may demand and take the Sum of seven Shillings and Sixpence for every Day he shall be detained by such Master's not being ready to proceed according to his Notice as aforesaid; and if any Pilot shall demand or exact any other greater Fee, he shall forfeit double the Pilotage so demanded, recoverable before a Justice of the Peace, with Costs, by the Informer, to his own Use.

VIII. *PROVIDED* always, that no Masters of Ships or Vessels shall be obliged to take a Pilot who shall not offer himself below the *Horsehoe*; but every Ship or Vessel having no Pilot on Board, and following another that has a Pilot, shall pay him Half Fees. Proviso;

IX. AND to the End that Strangers may not be imposed on in the Rates of Pilotage, as settled by this Act, *Be it therefore enacted, by the Authority aforesaid,* that every Pilot appointed in Pursuance of this Act shall be obliged, when he is Pilots to carry and produce a Copy of the Fees.

A. D. 1762.

Penalty.

Pilots exempted from Musters.

By 7. Geo. 3.
(1766) Cap. 8.
continued for
3 Years.

in the Execution of his Office, to carry with him a Copy thereof; and when he receives his Fees for his Services performed on Board any Ship or Vessel he shall produce the said Copy to the Master of such Ship or Vessel, to show that he demands no greater Fee or Reward than what is allowed by this Act. And if any such Pilot shall neglect or refuse to produce such Copy as aforesaid, he shall forfeit and pay twenty Pounds to any Person who shall sue for the same; to be recovered, with Costs, in any Court of Record within this Dominion.

X. AND for the further Encouragement of Pilots to do their Duty, *Be it also enacted, by the Authority aforesaid*, that every Pilot having obtained a Branch as aforesaid shall be and is hereby exempt from appearing at any Muster of the Militia, during the Time he shall continue to act as a Pilot.

XI. *AND be it further enacted, by the Authority aforesaid*, that this Act shall continue and be in Force from and after the tenth Day of *April* next, for and during the Term of three Years, and from thence to the End of the next Session of Assembly.

C H A P. VII.

An Act to amend the several Acts of Assembly of this Colony for licensing Pedlars, and preventing Frauds in the Duties upon Skins and Furs. (a)

General Court
to License
Pedlars.

I. **W**HEREAS an Act of Assembly, made in the thirty second Year of the Reign of his late Majesty, intituled *An Act for reducing the several Acts for licensing Pedlars, and preventing Frauds in the Duties upon Skins and Furs, into one Act*, which was amended by another Act made for that Purpose in the first Year of his present Majesty's Reign, hath hitherto been found ineffectual to prevent Frauds and Abuses committed and carried on by People under the Name of Pedlars, particularly in the Exportation of Skins and Furs, without paying any Duty: For Remedy whereof, *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgessees, of this present General Assembly, and it is hereby enacted, by the Authority of the same*, that from and after the tenth Day of *April* next no Pedlar, or other Person, whether he be an Inhabitant of this Colony or not, shall go from Place to Place, or to other Mens Houses, and sell, or expose to Sale or Barter, any Goods or Merchandises whatsoever, without License first obtained, according to the Directions of this Act, that is to say: That the General Court of this Colony shall be, and are hereby authorized and empowered, from Time to Time, to grant or refuse, at their Discretion, to any Person or Persons applying for the same, License or Licenses to trade during the Term of one Year from thence next following, and no longer; the Party obtaining such a License first entering into Bond, with good and sufficient Security to our Sovereign Lord the King, his Heirs and Successours, in the Penalty of one Hundred Pounds, with Condition he will not export, or cause to be exported, with his Privy or Knowledge, any Skins or Furs, either by Land or Water, without paying the Duties imposed on such Skins and Furs by one Act of Assembly made in the twenty second Year of the Reign of his late Majesty, intituled *An Act for the better Support of the College of William and Mary*, and shall also make Oath and swear to the same Effect, and pay down the Sum of twenty Shillings for the Use of the Governour or Commander in Chief of this Colony for the Time being, the Sum of five Pounds for the Use of the College of *William and Mary*, and the further Sum of twenty Shillings to the Clerk of the General

(a) See 4. Ann. (1705) Cap. 5. with Notes subjoined.

Court for writing the same and the Bond aforesaid, which Bond shall be by him lodged in the Secretary's Office of this Colony. A. D. 1762.

II. *AND be it further enacted*, that if any Pedlar, or other Person as aforesaid, shall, after the said tenth Day of *April*, be found travelling or trading without such License as aforesaid, such Person shall forfeit and pay for every several dealing or trading the Sum of five Pounds, one Moiety to the College of *William and Mary*, for the better Support thereof, and the other Moiety to the Informer; to be recovered, with Costs, by Petition, in a summary Manner, in any Court of Record of this Dominion, without the Solemnity of a Jury. And any Person intending to sue for such Penalty may apply to any Justice of the Peace, who is hereby authorized, empowered, and directed, to issue his Warrant to cause such Pedlar, or other Person, [to be brought before him, or some other Justice of the Peace; and thereupon, in Case such Pedlar, or other Person] shall refuse to give Security for his Appearance at the next Court to be held for that County in which such Information shall be made, to commit him to the Gaol of the said County, until he shall give such Security to appear at the next Court, and answer such Complaint, which Court is hereby authorized and empowered to proceed to Trial immediately, and grant Judgment against such Pedlar, or other Person, for such Penalty, in Manner aforesaid. And in Case such Pedlar, or other Person, after Conviction, shall refuse or delay to make present Payment of the said Penalty and Costs, either in Money or Goods to the Value, in the Judgment of the Court before whom such Conviction shall be, it shall and may be lawful for such Court to order the Person so convicted thirty nine Lashes on his bare Back, well laid on, and he shall be from thenceforth discharged from the Payment of the said Penalty for that Time.

Penalty on Pedlars trading without License.

How to be recovered.

Instead of the Words between the Brackets the Word *sub* only is in the Roll.

III. *AND be it further enacted, by the Authority aforesaid*, that if any Collector appointed, or to be appointed, in Pursuance of the said Act, made in the thirty second Year of his said late Majesty's Reign, shall refuse or neglect to account with the President and Masters of the College of *William and Mary* for the Time being, in the Months of *April* and *October* annually, for all and every Sum and Sums of Money received by him as Collector of the said Duties, he shall forfeit and pay the Sum of twenty Shillings for every such Refusal or Neglect; one Half whereof shall be to the Use of his Majesty, his Heirs and Successors, for and towards the better Support of the College of *William and Mary*, and the other Half to the Informer, and shall and may be recovered, by Action of Debt or Information, in any Court of Record within this Colony.

Penalties on Collectors failing to account.

IV. *AND be it further enacted*, that all and every other Act and Acts of Assembly, heretofore made for or concerning any Thing within the Purview of this Act, shall, from and after the said tenth Day of *April* next, be, and they are hereby repealed and made void, to all Intents and Purposes whatsoever.

Repealing Clause.

C H A P. VIII.

An Act for establishing several new Ferries. (a)

I. **W**HEREAS it is represented to this present General Assembly that publick Ferries at the Places hereafter mentioned will be of great Advantage to Travellers, and others, *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same*, that publick Ferries be constantly kept at the following Places, and that the Rates for passing the same shall be as follow, that is to

(a) See 22. Geo. 2. (1748) Cap. 11.

A. D. 1762.

* Of in the
Roll.

say :- From the Land of *William Ingles*, in the County of *Augusta*, over *New River*, to the opposite Shore, the Price for a Man threepence, and for an Horse the same; from the Land of *Richard Fox*, in the County of *Lunenburg*, over *Ronoake River*, to the Land of *James Blanton*, opposite thereto, the Price for a Man threepence, and for an Horse the same; from the Land of *Nathaniel Barksdale*, in the County of *Halifax*, over *Staunton River*, to the Land of *James Hunt*, in the County of *Lunenburg*, for a Man threepence, and for an Horse the same; from the Land of *Samuel Earle*, in the County of *Frederick*, * over *Shannando River*, to the Land of the Right Honourable the Lord *Fairfax*, in the said County, the Price for a Man threepence, and for an Horse the same; from the Land of *William Harwood*, in the County of *Lunenburg*, to the Land of *William Royster*, in the said County, the Price for a Man threepence, and for an Horse the same. And for the Transportation of Wheel Carriages, Tobacco, Cattle, and other Beasts, at any of the Ferries aforesaid, the Ferrykeeper may demand and take the following Rates, that is to say: For every Coach, Chariot, or Waggon, and the Driver thereof, the same as for six Horses; for every Cart or four Wheel Chaise, and the Driver thereof, the same as for four Horses; for every two Wheel Chaise, or Chair, the same as for two Horses; for every Hoghead of Tobacco, as for one Horse; for every Head of neat Cattle, as for one Horse; for every Sheep, Goat, or Lamb, one fifth Part of the Ferriage of one Horse; and for every Hog, one fourth Part of the Ferriage of one Horse; according to the Rates herein before settled at such Ferries respectively, and no more. And if any of the said Ferrykeepers shall presume to demand and receive, from any Person or Persons whatsoever, any greater Rate than is hereby allowed for the Carriage or Ferriage of any Thing whatsoever, he or they, for every such Offence, shall forfeit and pay to the Party grieved the Ferriage demanded and received, and ten Shillings; to be recovered, with Costs, before any Justice of the Peace of the County where such Offence shall be committed. And where a Ferry is by this Act appointed on one Side of a River, and none on the other Side answerable thereto, it shall be lawful for the respective County Courts to appoint an opposite Ferry, and to allow the respective Rates herein before directed; and such Courts shall and may, and are hereby required to order and direct what Boat or Boats, and what Number of Hands, shall be kept at each Ferry respectively. And every such Ferrykeeper shall enter into Bond in the Manner directed by one Act of Assembly made in the twenty second Year of his late Majesty's Reign, intituled *An Act for the Settlement and Regulation of Ferries, and for Despatch of publick Expresses*, and shall be subject and liable to the Penalties thereby inflicted for any Neglect or Omission of their Duty.

II. *AND* be it further enacted, by the Authority aforesaid, that from and after the passing of this Act it shall and may be lawful to and for the Ferrykeeper at *Tyler's*, in the County of *Westmoreland*, over *Potowmack River*, to *Cedar Point*, in the Province of *Maryland*, to demand and take for the Transportation of a Man over the said Ferry two Shillings and Sixpence, and for an Horse the same; and for Carriages, Cattle, and other Beasts, the same Proportion as is herein before appointed for the Transportation of such Things over the Ferries by this Act established, any Law, Custom, or Usage, to the contrary thereof, in any Wise notwithstanding.

A. D. 1762.

C H A P. IX.

*An Act to amend the Act entitled An Act to oblige the Owners of Mills, Hedges, or Stone Stops, on sundry Rivers therein mentioned, to make Openings * or Slopes therein for the Passage of Fish, and for other Purposes therein mentioned. (a)*

* Or Slopes
not in the Roll

I. **W**HEREAS the Act of Assembly made in the first Year of his present Majesty's Reign, entitled *An Act to oblige the Owners of Mills, Hedges, or Stone Stops, on sundry Rivers therein mentioned, to make Openings or Slopes therein for the Passage of Fish*, hath been found defective, and not to answer the Purposes for which it was intended, and it is therefore necessary that the same should be amended: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that the Owner or Proprietor of all and every Mill, Hedge, or Stone Stop, on either of the Rivers Nottoway and Meherrin, shall, in the Space of nine Months from and after the passing of this Act, make an Opening or Slope in their respective Mill Dams, Hedges, or Stops, in that Part of the same where there shall happen to be the deepest Water, which shall be in Width at least ten Feet in the clear, in Length at least three Times the Height of the Dam, and that the Bottoms and Sides thereof shall be planked, and that the Sides shall be at least fourteen Inches deep, so as to admit a Current of Water through the same twelve Inches deep, which shall be kept open from the tenth Day of February to the last Day of May in every Year.*

II. *AND be it further enacted, by the Authority aforesaid, that if any such Owner or Proprietor shall neglect or refuse so to do, within the Time aforesaid, the Person so offending shall forfeit and pay the Sum of five Pounds for every Day he or they shall so neglect or refuse, one Moiety whereof shall be to our Sovereign Lord the King, his Heirs and Successors, for the Use of the County where the Offence shall be committed, and shall be applied and disposed of by the Court of such County for and towards building Bridges over either of the said Rivers Nottoway and Meherrin respectively, and keeping them in Repair, and the other Moiety to the Informer; to be recovered, by Action of Debt or Information, in any Court of Record within this Colony.*

III. *AND be it further enacted, by the Authority aforesaid, that every such Owner and Proprietor of any Mill on the River Appamattox shall, in like Manner, keep such Openings or Slopes in their respective Mill Dams for the Passage of Fish, of the same Dimensions, and to be built and placed in the same Manner and Form, and to be kept open for the * same Space of Time, as is herein before directed for such Openings or Slopes on the Rivers Nottoway and Meherrin, and that every such Owner or Proprietor who shall neglect or refuse so to do, within the Time aforesaid, shall forfeit and pay the like Sum of five Pounds for every Day he or they shall so neglect or refuse; to be sued for and recovered, applied and appropriated, in the Manner hereafter directed.*

* Same not
in the Roll.

IV. *AND be it further enacted, that every such Owner or Proprietor of any Mill on the said River Appamattox, above Atkinson's Mills, shall, within the Space of nine Months from and after the passing of this Act, build and place a Lock in their respective Mill Dams sufficient for the Passage of Boats and Canoes, of such Dimensions, and to be placed in such Part of their respective Dams, as shall be ordered and directed by the Persons herein after named and appointed Trustees for clearing the said River Appamattox, or the major Part of them; and*

(a) See 22 Geo. 2. (1748) Cap. 22 and 23. with Notes subjoined.

A. D. 1762.

if any such Owner or Proprietor shall neglect or refuse so to do, within the Time aforesaid, he shall forfeit and pay the Sum of forty Shillings for every Week he or they shall so neglect or refuse. And it shall and may be lawful to and for the said Trustees to sue for and recover all such Penalties and Forfeitures arising on the said River *Appamattox*, and to which such Owners or Proprietors on that River shall be subject, in the Name of the Trustees appointed for clearing *Appamattox* River, in any Court of Record within this Colony; and shall apply the same for and towards clearing the said River, and to no other Use, Intent, or Purpose whatsoever.

* Are not
in the Roll.

V. *AND be it further enacted, by the Authority aforesaid, that if any Person or Persons shall hereafter erect or raise any Mill, Hedge, or Stone Stop, on either of the Rivers Nottoway or Meherrin, or any Mill on the said River Appamattox, every such Person or Persons shall leave the like Opening or Slope in the same as is hereby before directed; and also that if any Person or Persons shall hereafter build any Mill on the said River Appamattox, either above the said Atkinson's Mill or below the same, as the said River shall or may from Time to Time happen to be cleared and made navigable, such Person or Persons shall, in like Manner, build a Lock therein, in such Part of their said Mill Dams as shall be directed by the said Trustees, and in Case of Neglect or Failure shall be subject and liable to the same Penalties and Forfeitures respectively as the Owners of Mills, Hedges, or Stone Stops, already built and raised in the said Rivers, * are by this Act subjected and made liable to; to be recovered, appropriated, and applied, respectively, in the Manner herein before directed.*

VI. *AND be it further enacted, by the Authority aforesaid, that Richard Eppes, Archibald Cary, Thomas Tabb, Robert Bolling, Peter Legrand, Ryland Randolph, Thomas Nash, William Archer, Christopher Hudson, Alexander Trent, and John Morton, Gentlemen, shall be, and they are hereby nominated, constituted, and appointed, Trustees for clearing the said River Appamattox; and they are hereby authorized and empowered to take and receive Subscriptions for that Purpose, and shall apply the Money arising from such Subscriptions, together with the Fines appropriated for that Purpose as aforesaid, for and towards clearing the said River. And if any Person or Persons shall neglect, fail, or refuse, to pay the several Sums of Money by them respectively subscribed for and towards clearing the said River, it shall and may be lawful for the said Trustees to sue for and recover the same, in the Name of the Trustees appointed for clearing Appamattox River, either by Petition, where the Subscription shall not exceed five Pounds, and where the same shall be above that Sum, by Action of Debt.*

VII. *AND be it further enacted, by the Authority aforesaid, that the said Trustees, or the major Part of them, may agree with any Person or Persons for clearing the said River; who shall have full Power and Authority to remove all Hedges or Stops which they or the said Trustees shall think in any Wise to obstruct the Navigation of the same, except such Mills and Mill Dams as are by this Act permitted and allowed to be built and raised; and it shall and may be lawful for the said Trustees, or any Person or Persons employed by them in the Execution of this Act, to pass through, and go on Shore upon, the Lands of any Person whatsoever, without being subject to an Action of Trespass for the same. And if any Suit shall be commenced for any Thing done in Pursuance of so much of this Act as relates to the clearing the said River, the Person or Persons sued may plead the General Issue, and give this Act in Evidence; and every Court before which such Suit shall be prosecuted, where a Verdict shall be found for the Defendant, or the Plaintiff shall be nonsuited, shall give Judgment for the Defendant, and treble Costs.*

A. D. 1762.

VIII. *AND be it further enacted*, that the said Trustees shall, in the Court of the Counties where they shall respectively reside, give Bond, with sufficient Security, in a reasonable Penalty, payable to his Majesty, his Heirs and Successours, with a Condition for the true and faithful Application of all such Sums of Money as they shall respectively receive by Virtue of this Act, for and towards the Purposes hereby directed.

IX. *AND be it further enacted*, that in Case of the Death, Removal out of the Country, or other legal Disability, of any one or more of the Trustees before named, it shall and may be lawful for the surviving or remaining Trustees, from Time to Time, by Instrument in Writing under their respective Hands and Seals, to elect and choose so many other Persons, in the Room of those so dead, removed, or disabled, as shall make the Number of eleven; which Trustees so chosen shall, in like Manner, give such Bond and Security, and with such Condition, as is herein before directed to be given by the Trustees above particularly named, and shall then, to all Intents and Purposes, be vested with the same Power as any of the said Trustees afore named; and every such Instrument of Nomination shall be recorded in the Court of the County wherein such Trustee shall reside.

X. *AND be it further enacted, by the Authority aforesaid*, that it shall not be lawful for any Person whatsoever to erect, raise, or build, any Hedge or Stop on the said River *Appamattox*; and if any Person shall presume so to do, he or they so offending shall forfeit and pay the Sum of twenty Pounds, which shall and may be sued for, and recovered, by the said Trustees, in their Names, as above mentioned, and shall be applied by them to and for the Purposes of this Act in clearing the said River.

XI. *AND be it further enacted, by the Authority aforesaid*, that all and every other Act and Acts of Assembly, and every Clause and Article therein contained, for or concerning any Thing within the Purview of this Act, shall be, and the same are hereby repealed and declared void.

C H A P. X.

An Act to amend an Act entitled An Act for regulating Ordinaries, and Restraint of Tippling Houses. (a)

I. **W**HEREAS by an Act of Assembly made in the twenty second Year of the Reign of his late Majesty King George the Second, intituled *An Act for regulating Ordinaries, and Restraint of Tippling Houses*, it is, amongst other Things, enacted "that if any Ordinary Keeper shall sell Drink to any
" Sailor, in actual Pay on Board any Ship, upon Credit, for any Value what-
" soever, or if he, or any other Person, shall sell any Liquors by Retail ex-
" ceeding twenty Shillings current Money, or the Value thereof, in any one
" Year, to any Person or Persons, upon Credit, or if any Ordinary Keeper
" shall take Obligation, or other Specialty, for any Sum or Quantity of To-
" bacco whatsoever for Liquors retailed or sold upon Credit, he or she shall
" not recover any Money, Tobacco, or other Commodity, for Liquors so sold
" upon Credit, but every such Bill, Obligation, or Specialty, shall be void;
" and if any Warrant, Petition, Writ, or Bill, shall be prosecuted or exhi-
" bited against any Person for the same, such Warrant, Petition, Writ, or
" Bill, shall be dismissed, and the Defendant shall have double Costs;" which

(a) See 22 Geo. 2. (1748) Cap. 24. with Notes.

A. D. 1762.

Restriction hath been found to be very injurious to Ordinary Keepers, with Respect to Debts contracted with them by Travellers and other transient People, of whom they frequently suffer the Loss of their just Demands.

Ordinary
Keepers may
give Credit to
all but Sailors
in actual Pay,
or Inhabitants
of Town or
County.

II. *BE it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that from and after the passing of this Act it shall and may be lawful for such Ordinary Keepers as are duly and legally licensed to keep Publick Houses to sell by Retail, or otherwise, any Quantity of Liquors to any Person whatsoever, except Sailors in actual Pay on Board any Ship, or such Persons as shall be actually Inhabitants of the County, or Residents of the Town, wherein such Ordinary shall be kept, and may give such Credit for the same as they shall think proper.

Act of Li-
mitation saved.

May take
Bond, &c.

III. *PROVIDED,* that no such Debtor shall be hereby debarred from claiming the Benefit of the Act for Limitation of Actions, and avoiding of Suits, in the same Manner as they may do in other Cases; and it shall and may be lawful also for such Ordinary Keepers to take Bonds, Bills, or other Specialties, for the Payment of such Debts, and to sue for and recover the same according to the Course of the common Law, and the Laws of this Colony, in the same Manner as if the above in Part recited Act had never been made.

FRANCIS FAUQUIER, *Esq;* Governour.
JOHN ROBINSON, *Speaker.*

A. D. 1763.

At a GENERAL ASSEMBLY begun and held at the CAPITOL, in the City of *Williamsburg*, on *Tuesday* the 26th of *May*, in the 1st Year of the Reign of our Sovereign Lord GEORGE III. by the Grace of GOD of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord 1761, and from thence continued, by several Prorogations, to *Thursday* the 19th of *May*, 1763, in the third Year of his Majesty's Reign, and then held at the CAPITOL, in the City of *Williamsburg*, being the fifth Session of this General Assembly.

FRANCIS
FAUQUIER,
Esq; Govern-
our.

C H A P. I.

An Act for continuing and appropriating the additional Duty upon Slaves, and the Taxes upon Wheel Carriages, Ordinary Licenses, and original Procefs, and for other Purposes therein mentioned. (a)

I. **W**HEREAS by an Act of General Assembly passed in the twenty seventh Year of the Reign of his late Majesty, of happy and glorious Memory, intituled *An Act for the Encouragement and Protection of the Settlers upon the Waters of the Mississippi*, the Treasurer of this Colony was empowered to borrow a Sum of Money, not exceeding ten Thousand Pounds, for the Purposes mentioned in the said Act, and an additional Duty of five *per Centum* on the Amount of the Sale of Slaves imported, and a Tax on Wheel Carriages, Ordinary Licenses, and original Procefs, was laid and imposed, to continue for three Years, which, and the Revenue arising from former Duties on Liquors and Slaves, was declared to be and remain as a Security for the Payment of the Money so to be borrowed, with an Interest of six *per Centum per Annum*, until the same was paid, and by several subsequent Acts the said additional Duty and Taxes were continued until the fourteenth Day of *February* one Thousand seven Hundred and sixty five.

Preamble]

II. **A**ND whereas by another Act, passed in the thirty fourth Year of the Reign of his said late Majesty, intituled *An Act for appointing Persons to receive the Money granted, or to be granted, by the Parliament of Great Britain, to his Majesty, for the Use of this Colony*, the said Treasurer was empowered and required, out of the Money that should come to his Hands from Bills of Exchange drawn as thereby directed, to pay off and discharge all publick Debts bearing Interest, pursuant to which Direction the said ten Thousand Pounds so borrowed, and all Interest due thereon, hath been fully paid and discharged, since which the Duties and Taxes imposed by the first mentioned Act have been applied towards the sinking the Treasury Notes, although no Law hath hitherto directed such Appli-

(a) See 27. Geo. 2. (1754) Cap. 1.

A. D. 1763.

cation; and as the said Taxes have not been found inconvenient, the continuing them to the Period at which the other publick Taxes are to cease, and applying them towards securing the final Redemption of the Treasury Notes, to supply any possible Deficiency in such other Taxes, may tend to preserve the Credit of our Paper Money.

III. *BE it therefore enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that so much of the said Act intituled An Act for the Encouragement and Protection of the Settlers upon the Waters of the Mississippi, and of the subsequent Acts for continuing and amending the same, as relates to the imposing, collecting, and accounting for the said additional Duty on Slaves, and the Taxes on Wheel Carriages, Ordinary Licenses, and original Procefs, shall continue and be in Force, from and after the said fourteenth Day of February one Thousand seven Hundred and sixty five, for and during the Space of five Years, and no longer.*

Owners of
Wheel Car-
riages to give in
a List annually.

IV. *PROVIDED always, that the Owners of such Wheel Carriages shall be obliged, during that Term, to give in a List of the same annually to the Justice appointed to take the List of Tithables, in like Manner, and under the same Penalty, as is directed in and by an Act passed at the last Session of this Assembly, intituled An Act for the better and more regular collecting the publick Taxes.*

Duties and
Taxes how to
be applied.

V. *AND be it further enacted, that the Money to be raised by the Duties and Taxes imposed by this and the first recited Act shall stand, be, and remain, as an additional Security for the Redemption of the several Treasury Notes now in Circulation; and John Robinson, Esquire, Treasurer of this Colony, or the Treasurer for the Time being, appointed by or pursuant to Act of Assembly, is hereby required to apply all such Money as shall come to his Hands for the said Duties and Taxes for and towards the Redemption of the said Treasury Notes, and to no other Use whatsoever, any Thing in the said former Acts to the contrary notwithstanding.*

Tax on
Wheel Car-
riages to be col-
lected for the
present Year.

VI. *AND whereas an Opinion has prevailed, from a Misconstruction of the said Act, For the better and more regular collecting the publick Taxes, that the said Tax on Wheel Carriages is not to be collected for the present Year, as the Time appointed for taking the Lists of Tithables is too late to admit of such Collection: Be it therefore further enacted, by the Authority aforesaid, that the said Tax upon Wheel Carriages, for this present Year, shall be collected, levied, and accounted for, according to the Directions and Regulations in the said Act, For the Encouragement and Protection of the Settlers upon the Waters of the Mississippi, any Thing in the other Act to the contrary, or seeming to the contrary, notwithstanding.*

Sheriffs not
to have the Pri-
vilege of re-
plevying.

VII. *AND whereas by an Act passed in the twenty second Year of the Reign of his said late Majesty, intituled An Act declaring the Law concerning Executions, and for Relief of insolvent Debtors, it is, among other Things, enacted that where any Execution is served on the Debtor's Estate, and such Debtor shall within five Days, or at the Time of Sale, tender sufficient Sureties, approved of by the Creditor, to be bound with him to pay the Debt and Costs, with lawful Interest for the same, to such Creditor, within three Months, the Sheriff or Officer shall restore the Estate so taken; and it is not reasonable to extend the said Indulgence to Sheriffs, whose Estates are taken in Execution for Money by them received for his Majesty's Quitrents, or the publick Taxes: Be it therefore further enacted, that the said Indulgence shall not be construed to extend to any Sheriff, or his Securities, whose Estates shall be taken in Execution upon a Judgment obtained for his Majesty's Quitrents, or the publick Taxes, nor to any Under Sheriff, or his Securities, whose Estates shall in like Manner be taken in Execution upon a*

Judgment for such Quitrents and Taxes collected by such Under Sheriff, but that the Officer taking such Estate in Execution shall proceed immediately to Sale thereof, notwithstanding such Security shall be tendered, in the same Manner as if the before recited Clause in the said Act had never been made; and for the better Direction of such Officer, the Clerk issuing such Execution shall endorse thereon that no Security is to be taken.

A. D. 1763.
The Clerk to
endorse on Ex-
ecutions that no
Security is to be
taken.

VIII. AND whereas it is represented to this Assembly that the Bonds entered into by some of the Sheriffs in this Colony have been lost, or mislaid in the Clerk's Office, for Want of which Judgments cannot be obtained against them, or their Securities, for the Money they are indebted for the said Quitrents and Taxes: For remedy wherein, *Be it further enacted, by the Authority aforesaid*, that notwithstanding such Bonds shall be so lost, or mislaid, if it shall appear, upon the Records of the Court before whom such Bonds were respectively entered into, that the same were executed by such Sheriff and Securities, it shall be lawful for the General Court, or County Court, upon the Motion of the Receiver General, or Treasurer, and due Notice given, to enter Judgment against such Sheriff and Securities for the Quitrents or Taxes for which such Sheriff is accountable, in the same Manner as if such Bond was produced.

Remedy how
the Courts are
to proceed when
Sheriff's Bonds
are lost.

CHAP. II.

An Act for establishing a better Method of appointing Sheriffs.

I. **W**HEREAS by an Act of Assembly passed in the * thirty second Year of the Reign of his late Majesty King George the Second, intituled *An Act prescribing the Method of appointing Sheriffs, and for limiting the Time of their Continuance in Office, and directing their Duty therein*, it is, among other Things, enacted that the Governour or Commander in Chief may, if he thinks fit, continue any Sheriff in his Office two Years next succeeding each other, and such Person may accept and execute the same two Years successively, and no longer.

* A Mistake;
It should be 22.
Geo. 2. (1748)
Cap. 6. which
see with Notes.

II. AND whereas it is found inconvenient to remove Sheriffs from their Office before they have completed the Collection of his Majesty's Quitrents and the publick Taxes of the Year, and on that Account the general Appointment of Sheriffs in the Month of *October* will be of publick Advantage, but that Regulation must be interrupted where the Death or Misconduct of any Sheriff makes the commissioning of another at a different Time necessary, which will fix all future Appointments in such County to the same Time as under the aforesaid Act the Governour is restrained from continuing the Sheriff longer than two Years.

III. FOR remedy wherein, *Be it enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same*, that the Governour or Commander in Chief may, if he thinks fit, continue the present Sheriffs in Office until the twenty fifth Day of *October* next after their two Years Continuance therein shall expire; and that when by the Death, or Removal from Office, of any Sheriff, another shall be appointed at any other Time than in the Month of *October*, the Governour or Commander in Chief may, if he thinks fit, continue such Successour in Office until the twenty fifth Day of *October* next after his two Years Continuance therein shall expire, any Thing in the said recited Act, or any other Act, to the contrary notwithstanding.

Governour
may continue
Sheriffs.

A. D. 1763.

C H A P. III.

An Act for further continuing and amending the Act intituled An Act for the better regulating and collecting certain Officers Fees, and for other Purposes therein mentioned. (a)

I. **W**HEREAS the Act of Assembly made in the nineteenth Year of the Reign of his late Majesty King George the Second, intituled *An Act for the better regulating and collecting certain Officers Fees, and for other Purposes therein mentioned*, which hath been continued by several Acts, and amended by one other Act made in the first Year of his present Majesty's Reign, will expire on the twelfth Day of *April* next, and it being necessary that the same should be further continued:

II. *BE it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same*, that the said recited Acts of Assembly, made in the nineteenth Year of his said late Majesty's Reign, and in the first Year of the Reign of his present Majesty, and every Clause and Article thereof, shall continue and be in Force, from and after the said twelfth Day of *April* next, for and during the Term of two Years, and no longer.

Surveyor of
Lands to be
resident in the
County where-
of he is Sur-
veyor.

III. *PROVIDED* always, and be it further enacted, by the Authority aforesaid, that from and after the passing of this Act all and every Surveyor of Lands shall be resident in the County whereof he is Surveyor during the Time he shall continue in Office, under the Penalty of forfeiting ten Pounds current Money for every Month he shall reside out of the same; one Moiety of which shall be to the King, his Heirs and Successors, for the better Support of this Government and the contingent Charges thereof, and the other Moiety to the Informer.

C H A P. IV.

An Act for adding sundry Persons to the Committee appointed to correspond with the Agent of this Colony. (b)

I. **W**HEREAS by an Act of Assembly made in the thirty second Year of the Reign of his late Majesty King George the Second, intituled *An Act appointing an Agent*, it is, among other Things, enacted and declared that the Honourable *William Nelson, Thomas Nelson, Philip Grymes, and Peter Randolph*, Esquires, *John Robinson, Peyton Randolph, Charles Carter, Richard Bland, Landon Carter, Benjamin Waller, George Wythe, and Robert Carter Nicholas*, Esquires, shall be a Committee of Correspondence to transmit such Matters and Things to the said Agent as shall be committed to their Charge by the General Assembly, and to receive from him Information and Intelligence of his Proceedings, as well in such Cases as shall be to him intrusted by the said Committee, or the major Part of them, as in every other Matter and Thing, that shall come to his Knowledge, that may either affect or be for the Interest of this Colony.

(a) See 22. Geo. 2. (1748) Cap. 14. with Notes,

(b) See 32. Geo. 2. (1759) Cap. 2.

A. D. 1763.

II. AND whereas by Reason of the Death of one of the said Committee, and of the remote Distance of several others of them, it is often difficult and inconvenient for the said Committee to meet for the Purposes in the said Act mentioned: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that from and after the passing of this Act the Honourable John Blair and Robert Carter, Esquires, Lewis Burwell and Dudley Digges, Esquires, be added to, and are hereby declared to be Part of, the said Committee of Correspondence; and that the said John Blair, Robert Carter, Lewis Burwell, and Dudley Digges, shall have, and be vested with, the same Power and Authority, and be liable for any Misdemeanor to the Censure of the General Assembly, in the same Manner as the said Committee are by the said recited Act of Assembly.

C H A P. V.

An Act for giving the Sheriffs a more effectual Remedy against their Under Sheriffs, and Securities, for Monies received by them for his Majesty's Quitrents, and on Executions and other Procefs. (a)

I. **W**HEREAS great Frauds are frequently committed by the Under Sheriffs, receiving the Money and Tobacco in levying of Executions and converting the same to their own Use, instead of paying it to the Creditor, to the great Detriment of the just Creditor, and often total Ruin of the Sheriff who employed them: To prevent the like Inconveniences for the future, *Be it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that from and after the passing of this Act if any Under Sheriff, employed by the Sheriff of any County to act as his Deputy, heretofore hath, or hereafter shall make Return upon any Writ of *Fieri Facias*, or *Venditioni Exponas*, that he hath levied the Debt, Damages, and Costs, as in such Writ is required, or any Part thereof, and shall not immediately pay the same to the Party to whom the same is payable, or to his Attorney or Agent, or to such Sheriff, or shall return on any Writ of *Capias ad Satisfaciendum*, or Attachment, for not performing a Decree in Chancery for Payment of any Sum of Money or Tobacco, that he hath taken the Body or Bodies of the Defendant or Defendants, and hath the same ready to satisfy the Money and Tobacco in such Writ mentioned, and shall actually have received such Money and Tobacco of the Defendant or Defendants, or have suffered him, her, or them, to escape, with the Consent of such Under Sheriffs, and shall not immediately pay such Money and Tobacco to the Party to whom the same is payable, or his Attorney or Agent, or to the Sheriff under whom he acts, that then, or in either of the said Cases, it shall and may be lawful for such Sheriff, or the Creditor at whose Suit such Writ of *Fieri Facias*, *Venditioni Exponas*, *Capias ad Satisfaciendum*, or Attachment, shall issue, upon a Motion to be made to the next succeeding General Court, or Court of the County wherein such Under Sheriff acts, to demand Judgment against such Under Sheriff, and his Securities, for the Money and Tobacco mentioned in such Writ of Execution or Attachment, or so much thereof as shall be returned levied on such Writ of Execution or Attachment as aforesaid; and such Court is hereby authorized and required to give Judgment accordingly, and to award Execution thereupon.

High Sheriff,
or Creditor,
may obtain
Judgment, on
Motion, against
Under Sheriff,
for Money re-
ceived on Exe-
cution, &c.

(a) See 22 Geo. 2. (1748) Cap. 6. with Notes subjoined.

A. D. 1763.

II. *PROVIDED* always, such Under Sheriff, and his Securities, have ten Days previous Notice of such Motion.

Under Sheriff: to put their Names and Time of Service on Writs executed by them.

* As that not in the Roll.

Penalty.

III. AND to prevent Disputes between the Sheriffs, and his several Deputies, which of them may have acted in serving of Executions, or other Procefs, *Be it further enacted, by the Authority aforesaid*, that when any Under Sheriff hath served any Writ of Execution, Attachment, or other Procefs whatsoever, he shall endorfe on the Back of such Writ the Day of the Month he or they shall have served the same, and subscribe his Name, as well * as that of his Principal, to the Return of such Writ or other Procefs; and every Under Sheriff failing herein shall be liable to the same Penalty as by Law is inflicted on the Sheriff for a false Return, and to be recovered and appropriated in the same Manner.

Courts to give Judgment, on Motion, against Under Sheriffs and Securities for Quitrents.

IV. *AND be it further enacted, by the Authority aforesaid*, that where the Sheriff of any County heretofore hath, or hereafter shall appoint any Person to be his Under Sheriff, to collect the Quitrents due to his Majesty within his County, and such Under Sheriff shall neglect or refuse to account for and pay such Quitrents by him collected to the Sheriff under whom he acts, or to his Majesty's Receiver General, at the Time by Law appointed for paying of the same, it shall and may be lawful for the General Court, or Court of the County whereof he is Sheriff, upon a Motion to them made by such Sheriff or Receiver General, to give Judgment against such Under Sheriff, and his Securities, for all the Money wherewith he shall be chargeable, and thereupon to award Execution.

V. *PROVIDED*, that such Under Sheriff, and Securities, have ten Days previous Notice of such Motion.

CHAP. VI.

An Act to empower the Common Hall of the Borough of Norfolk to assess such Taxes from Time to Time on the Inhabitants thereof as shall be sufficient for keeping and supporting a nightly Watch, and erecting Lamps, within the Limits of the same. (a)

I. **W**HEREAS the Mayor, Aldermen, Common Council, and other Inhabitants, of the Borough of *Norfolk*, have represented to this present General Assembly that Robberies are frequently committed in the Night Time within the said Borough; for preventing which they are desirous a Watch may be established, and Lamps erected, within the same, but have no Authority to levy upon the Inhabitants a Tax to answer the Expense thereof:

II. *BE it therefore enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same*, that from and after the passing of this Act the Mayor, Recorder, Aldermen, and Common Council, of the said Borough, shall have full Power and Authority to levy on the Freeholders and Housekeepers thereof, from Time to Time, a Tax sufficient to defray the Expense of a Watch for the Guard of the said Borough, and for erecting Lamps within the Limits of the same, at such Places as shall be appointed by the Common Hall of the said Borough.

(a) See 10 Geo. 2. (1736) Cap. 6. with Notes subjoined.

A. D. 1763.

III. AND whereas evil disposed Persons may be induced to break, or otherwise destroy, such Lamps: *Be it enacted, by the Authority aforesaid,* that any Person who shall wilfully break or destroy any such Lamp, being thereof lawfully convicted, by the Oath of one or more Witness or Witnesses, shall, if a free Person, forfeit and pay to the Common Hall of the said Borough the Sum of fifty Shillings current Money for every such Lamp so broke or destroyed, or if a Slave, being thereof lawfully convicted as aforesaid, shall receive on his or her bare Back thirty nine Lashes, which said Penalty and Punishment any Justice of the said Borough shall, and he is hereby required to assess and inflict; and in Case such free Person shall refuse to pay down the said Sum of fifty Shillings, or give Security to pay the same within one Month after Conviction, the Person so failing or refusing shall receive ten Lashes on his or her bare Back, by Order of such Justice.

IV. *AND be it further enacted, by the Authority aforesaid,* that all Fines levied and received by Virtue of this Act shall be appropriated to the Support of the said Watch and Lamps.

V. *AND be it further enacted, by the Authority aforesaid,* that the Persons employed as Watchmen within the said Borough shall be exempted from any Duty as Militia in the said Borough, during the Time they shall serve as Watchmen.

C H A P. VII.

An Act to empower John Richards, Gentleman, to keep a Ferry to and from the Town of Leeds, in the County of King George. (a)

I. **W**HEREAS, pursuant to an Act of Assembly in the twenty second Year of the Reign of his late Majesty, of happy and glorious Memory, entitled *An Act to empower the Trustees of Leeds Town to make a Causey through the Marsh opposite thereto, and appointing a publick Ferry,* the said Trustees have agreed with John Richards, Gentleman, to make a Causey and Bridge through the Marsh opposite to the said Town, upon the Terms, among other Things, of his being entitled to the Privilege of keeping a Ferry across Rappahannock River to and from the said Town, and receiving the Profits thereof so long as he shall keep the said Causey and Bridges in Repair, and that he should have for a Landing for such Ferry fifty Feet square of Ground, out of Church Lot, in the said Town, which Agreement is reasonable, as the said Causey will shorten the Passage at such Ferry, and be a great Convenience to Travellers:

II. *BE it therefore enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that it shall and may be lawful to and for the said John Richards, and his Heirs or Assigns, as soon as he or they shall have made and finished the Causey aforesaid through the said Marsh to the high Land in the County of Essex, and erected necessary Bridges over the Guts and Creeks, but not before, to keep a publick Ferry for the Passage of Travellers to and from the said Causey, and to demand and receive Sixpence for a Man, and Sixpence for a Horse; and for the Transportation of Wheel Carriages, Tobacco, Cattle, and other Beasts, may demand and take the Rates following, that is to say: For every Coach, Chariot, or Waggon, and the Driver thereof, the same as for six Horses; for every Cart, or four Wheel Chaise, and the Driver of such Chaise, as for

(a) See 22 Geo. 2. (1748) Cap. 11.

A. D. 1763.

four Horses; for every two Wheel Chair, as for two Horses; for every Hoghead of Tobacco, as for one Horse; for every Head of neat Cattle, as for one Horse; for every Sheep, Goat, or Lamb, one fifth Part of the Ferriage of one Horse; for every Hog, one fourth Part of the Ferriage of one Horse; and no more. And that no Person or Persons presume to set over or transport any Passenger or Beast from the said Causeway to the County of *King George* but the said *John Richards*, his Heirs or Assigns; nor shall the Court of the County of *Essex* have Power to appoint any Ferry at or from the said Causeway, so long as the said *John Richards*, his Heirs or Assigns, keep up and support the same, and the Bridges aforesaid, at his or their own proper Costs.

III. *AND* be it further enacted, by the Authority aforesaid, that the County Court of *King George* shall have the same Power and Authority of ordering and directing what Boat or Boats, and the Number of Hands, that shall be kept at such Ferry; and the said *John Richards*, his Heirs or Assigns, shall have and enjoy the same Privileges, and be subject to all the Regulations, Fines, and Penalties, that are given, made, laid, and inflicted, on Ferrykeepers, by an Act of Assembly made in the twenty second Year of his late Majesty's Reign, intituled *An Act for the Settlement and Regulation of Ferries, and for Despatch of publick Expresses*.

FRANCIS FAUQUIER, Esq; Governour.
JOHN ROBINSON, Speaker.

A. D. 1764.

FRANCIS
FAUQUIER,
Esq; Governour.

At a GENERAL ASSEMBLY begun and held at the CAPITOL, in the City of *Williamsburg*, on *Tuesday* the 26th of *May*, in the first Year of the Reign of our Sovereign Lord GEORGE III. by the Grace of GOD of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord 1761, and from thence continued, by several Prorogations, to *Thursday* the 12th of *January*, 1764, in the fourth Year of his Majesty's Reign, and then held at the CAPITOL, in the City of *Williamsburg*, being the sixth Session of this General Assembly.

CHAP. I.

An Act for establishing a Ferry from the Land of Thomas Cassen, over Rappahannock River, to the opposite Shore in Caroline. (a)

I. **W**HEREAS it is represented to this present General Assembly, by sundry Inhabitants of the County of *King George*, that the establishing a Ferry from the Land of *Thomas Cassen*, in the said County, over the River

(a) See 22 Geo. 2. (1748) Cap. 11.

Rappahannock, to the Land of *Sarah Conway*, opposite thereto, in the County of *Caroline*, would be very convenient to Travellers in that Neighbourhood. A. D. 1764.

II. *BE it therefore enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that a publick Ferry be constantly kept from the said Thomas Casson's Land, over the said River, to the opposite Shore, in the said County of Caroline; and that the Rates for passing the said Ferry be as follows, that is to say: For a Man threepence, and for an Horse the same. And for the Transportation of Wheel Carriages, Tobacco, Cattle, and other Beasts, the Ferrykeeper may demand and take the following Rates, that is to say: For every Coach, Chariot, or Waggon, and the Driver thereof, the same as for six Horses; for every Cart, or four wheeled Chaise, and the Driver thereof, the same as for four Horses; for every two wheeled Chaise, or Chair, the same as for two Horses; for every Hoghead of Tobacco, the same as for one Horse; for every Head of neat Cattle, the same as for one Horse; and for every Sheep, Goat, Hog, or Lamb, one fourth Part of the Ferriage of one Horse, according to the Prices herein before settled, and no more. And if the Ferrykeeper shall presume to demand or receive from any Person or Persons whatsoever any greater Rate than is hereby allowed for the Ferriage of any Thing whatsoever, he shall for every such Offence forfeit and pay to the Party grieved the Ferriage demanded and received, and ten Shillings; to be recovered, with Costs, before any Justice of the Peace of the said County. And the Court of the County of King George shall and may, and are hereby required, to order and direct what Boat or Boats, and what Number of Hands, shall be kept at the said Ferry; and the said Ferrykeeper shall enter into Bond in the Manner directed by an Act of Assembly made in the twenty second Year of his late Majesty's Reign, intituled *An Act for the Settlement and Regulation of Ferries, and for Despatch of publick Expresses*, and shall be subject to the Penalties thereby inflicted for any Neglect or Omission of Duty.*

C H A P. II.

An Act to empower the Corporation of the City of Williamsburg to assess Taxes on the Inhabitants thereof for the Purposes therein mentioned, and for repealing a certain Act of Assembly therein also mentioned. (a) Assented to
by his Majesty
26 Feb. 1768.

I. **W**HEREAS by an Act of Assembly, made in the first Year of the Reign of his present Majesty, intituled *An Act to empower the Common Hall of the City of Williamsburg to assess such Taxes from Time to Time on the Inhabitants thereof as shall be sufficient to answer all Charges and Expenses for publick Buildings, keeping the Streets in Repair, and other Conveniences*, the said Common Hall are empowered to levy Money of the Inhabitants of the said City, not only for the particular Purposes in the said Act specified, but also at all Times, and for defraying the Charges and Expenses of any publick Buildings, or other Conveniences, for the Use and Benefit of the Inhabitants of the said City, whenever they shall think proper, which discretionary Power, without some Restrictions, may prove of dangerous Consequence to the Liberties and Properties of the said Citizens; nevertheless it may prove of great Service, and very much conduce to the Preservation of the said City, if the said Common Hall are empowered, when their Chamber is deficient, to levy Money of the said Inhabitants for the several Purposes herein after particularized:

(a) See 4. Ann. (1705) Cap. 9.

A. D. 1764.

II. *BE it therefore enacted, by the Lieutenant Governour, Council, and Bur-
gesses, of this present General Assembly, and it is hereby enacted, by the Authority
of the same, that it shall and may be lawful for the Mayor, Recorder, Aldermen,
and Common Council, of the said City of Williamsburg for the Time being, in
Common Hall assembled, to levy and assess by the Poll, on the tithable Persons
inhabiting within the said City, all such Sum and Sums of Money as shall be
sufficient for defraying the Charges and Expenses of building a Courthouse,
Market House, and Prison, for the said City, when those now in Use shall hap-
pen to fall to Decay, or be otherwise destroyed, and to keep the same in Repair;
also for building, purchasing, or renting, one or more House or Houses, to be
made Use of as Hospitals, for the Reception of any Person or Persons who may
be hereafter found within the said City infected with contagious Distempers, and
for paying the Charges of removing such Persons to the Hospital, and providing
Doctors, Nurses, and other necessary Attendants, as also Guards, to prevent the
spreading of such Distempers; also to defray the Expense of purchasing necessary
Fire Engines, and the Hire of proper Persons as Firemen to keep such Engines
at all Times in good Order, and ready for Service; and for sinking such and so
many Wells as they shall think sufficient for supplying the Fire Engines with
Water in Case of Fires, fixing Pumps in such Wells, and keeping them in con-
stant Repair; also to defray the Charges of appointing Watchmen for the said
City, and paying them reasonable Wages; and also for repairing, and keeping in
good Order, the Streets and Lands in the said City. And that the said Common
Hall shall not levy or assess Taxes on the Inhabitants of the said City, for any
other Use, Intent, or Purpose, whatsoever.*

III. *AND for the more equal and impartial Assessment of such Taxes, It is
hereby further enacted, by the Authority aforesaid, that the said Mayor, Recorder,
Aldermen, and Common Council, in Common Hall assembled, shall and may,
as often as Occasion shall require, order and direct the Inhabitants of the said
City to deliver in Lists of their Tithables to the Clerk of the Court of Hustings
of the said City, within such Time as they shall appoint, but not less than one
Month at the least, who shall forthwith cause a Copy of such Order to be fixed
up at the Doors of the Church, Courthouse, and Market House, of the said City;
and if any Inhabitant of the said City shall neglect or refuse so to do, within the
Time so to be limited, such Delinquent shall be deemed a Concealer of Tithables,
and shall forfeit and pay the Sum of forty Shillings for every Tithable so concealed,
which shall be levied by the Collector of the Taxes, and in Case of Non-Payment,
by Distress and Sale of the Delinquent's Goods and Chattels, as in Cases of other
Distresses, and applied towards the Purposes of this Act. And the said Clerk
shall make out a fair Copy of all such Lists of Tithables, and deliver the same,
when required, to the said Court of Hustings.*

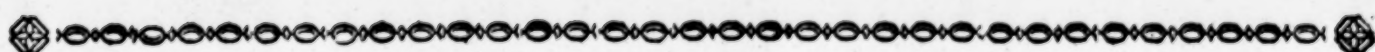
IV. *AND be it further enacted, that the said Common Hall, when they shall
have settled and proportioned the Taxes to be levied in pursuance of this Act on
the Inhabitants of the said City, according to such Lists of Tithables, they shall
and may appoint one or more Collector or Collectors of the same; and if any
Person or Persons shall refuse or neglect to satisfy and pay the Money so on him,
her, or them, levied and assessed, at the Times appointed for the Payment
thereof, it shall and may be lawful for such Collector or Collectors to levy the
Money so due by Distress and Sale of the Delinquent's Goods, in the Manner
herein before mentioned. And such Collector or Collectors shall give Bond,
with sufficient Securities, in a reasonable Penalty, payable to the Mayor, Recorder,
Aldermen, and Common Council, of the said City, and their Successors, for
the due Collection and Payment of the said Taxes, and shall be allowed a Com-
mission of five *per Centum* for collecting and paying the same.*

A. D. 1764.

V. *AND* be it further enacted, by the Authority aforesaid, that the said recited Act of Assembly shall be, and the same is hereby repealed and made void, to all Intents and Purposes whatsoever.

VI. *PROVIDED* always, that the Execution of this Act shall be, and the same is hereby suspended, until his Majesty's Approbation thereof shall be obtained.

FRANCIS FAUQUIER, Esq; Governour.
JOHN ROBINSON, Speaker.



At a GENERAL ASSEMBLY begun and held at the CAPITOL, in the City of *Williamsburg*, on *Tuesday* the 26th of *May*, in the 1st Year of the Reign of our Sovereign Lord GEORGE III. by the Grace of GOD of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord 1761, and from thence continued, by several Prorogations, to *Tuesday* the 30th of *October*, 1764, in the fifth Year of his Majesty's Reign, and then held at the CAPITOL, in the City of *Williamsburg*, being the seventh Session of this General Assembly.

FRANCIS
FAUQUIER,
Esq; GOVERNOUR.

C H A P. I.

An Act for appointing several new Ferries, and for other Purposes therein mentioned. (a)

I. **W**HEREAS it is represented to this present General Assembly that publick Ferries at the Places hereafter mentioned will be of great Advantage to Travellers, and others, *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that publick Ferries be constantly kept at the following Places, and that the Rates for passing the same shall be as follows, that is to say: From the Land of *George Wilson Spooner*, in *Westmoreland* County, over *Potomack* River, to *Cedar Point*, in *Maryland*, the Price for a Man two Shillings and Sixpence, and for an Horse the same; from the Land of *John Cabell*, at or near *Bomman's Warehouse*, in the County of *Amberst*, over the *Fluvannah* River, to his Land opposite thereto, in the County of *Buckingham*, the Price for a Man threepence, and for an Horse the same; from the Land of *Cornelius Thomas*, at or near the Mouth of his Mill Creek, in the County of *Amberst*, over the *Fluvannah* River, to the Land of *Nicholas Davis*, opposite thereto, in the County of *Bedford*, the Price for a Man threepence, and for an Horse the same; from

(a) See 22 Geo. 2. (1748) Cap. 11.

A. D. 1764.

the Land of *William Black*, on the south Side of *Roanoke River*, in *Lunenburg County*, to an Acre of Ground purchased by him of one *Brookes*, on the opposite Side, the Price for a Man fourpence, and for an Horse the same. And for the Transportation of Tobacco, Cattle, and other Beasts, at any of the Ferries aforesaid, the Ferrykeeper may demand and take the following Rates, that is to say: For every Coach, Chariot, or Waggon, and the Driver thereof, the same as for six Horses; for every Cart, or four Wheel Chaise, the same as for four Horses; for every two Wheel Chaise, or Chair, the same as for two Horses; for every Hogshead of Tobacco, as for one Horse; for every Head of neat Cattle, as for one Horse; for every Sheep, Goat, or Lamb, one fifth Part of the Ferriage of one Horse; and every Hog, one fourth Part of the Ferriage of one Horse; according to the Prices herein before settled at such Ferries respectively, and no more.

II. AND if any of the said Ferrykeepers shall presume to demand or receive, from any Person or Persons whatsoever, any greater Rate than is hereby allowed for the Carriage or Ferriage of any Thing whatsoever, he or they, for every such Offence, shall forfeit and pay to the Party grieved the Ferriage demanded or received, and ten Shillings; to be recovered, with Costs, before any Justice of the Peace where the Offence shall be committed.

III. AND where a Ferry is by this Act appointed on one Side of a River, and none on the other Side answerable thereto, it shall be lawful for the respective County Courts to appoint an opposite Ferry, and to allow the respective Rates herein before directed; and such Courts shall and may, and are hereby required to order and direct what Boat or Boats, and what Number of Hands, shall be kept at each Ferry respectively.

IV. AND every such Ferrykeeper shall enter into Bond in the Manner directed by one Act of Assembly made in the twenty second Year of his late Majesty's Reign, intituled *An Act for the Settlement and Regulation of Ferries, and for Despatch of publick Expresses*, and shall be liable to the Penalties thereby inflicted for any Neglect or Omission of their Duty.

Explained
and amended 7.
Geo 3. (1766)
Cap. 6.

V. AND whereas it is represented to this Assembly that the Ferry established by Law from the Town of *Tappahannock*, in the County of *Essex*, over *Rappahannock River*, to *Carter's*, or to *Rappahannock Creek*, is very inconvenient to Travellers, and is often dangerous and difficult to cross, especially in the Winter Season; and that *Archibald Ritchie*, of the said Town of *Tappahannock*, Merchant, hath, at great Expense and Trouble, erected and raised a Causey through the Marsh and low Grounds on and adjoining to the Lands of *Moore Fauntleroy*, an Infant, in the County of *Richmond*, by and with the Consent of his Guardians; and that it would be much more convenient to Travellers, and a publick Benefit, if a Ferry was established from the Land of the said *Archibald Ritchie*, adjoining to the said Town of *Tappahannock*, over the said River, to the said Causey, as the Passage over the said River would be thereby rendered much shorter, and at all Times less difficult and dangerous: *Be it therefore enacted, by the Authority aforesaid*, that a Ferry be constantly kept, and the same is hereby established, from the Land of the said *Archibald Ritchie*, adjoining to the said Town of *Tappahannock*, to the Causey aforesaid, and the Property thereof shall be, and the same is hereby vested in the said *Archibald Ritchie*, his Heirs and Assigns, so long as he or they shall, at his or their own Expense, keep up and maintain the said Causey in good and sufficient Repair; and that the said *Archibald Ritchie*, his Heirs or Assigns, may demand and take the following Rates for passing the same, that is to say: The Price for a Man one Shilling and threepence, and for an Horse the same; and the same Proportion of such Ferriage for the Transportation of Carriages, Cattle, and other Things over the said River, as is hereby directed at the other Ferries by this Act established, and no more. And that no other

Person or Persons do presume to set over or transport any Passenger, Carriage, or any Thing else, from the said Ferry to the said Causey, for Hire, but the said *Archibald Ritchie*, or his Heirs or Assigns, so long as he or they shall keep up and support the same at his or their own proper Expense. A. D. 1764.

VI. *AND* be it further enacted, by the Authority aforesaid, that the Court of the said County of *Richmond* may, and they are hereby empowered, if they shall think proper, to appoint and establish a Ferry from the Causey aforesaid to the aforesaid Landing of the said *Archibald Ritchie*, and to allow the respective Rates herein before directed for the said *Archibald Ritchie's* Ferry; the Property whereof, when so appointed and established, shall be, and the same is hereby vested in the said *Moore Fauntleroy*, his Heirs and Assigns. And the respective Courts of the said Counties of *Richmond* and *Essex* shall have the same Power and Authority of ordering and directing what Boat or Boats, and what Number of Hands, shall be kept at the said Ferries. And the * said *Archibald Ritchie*, or his Heirs or Assigns, and also the Person to be appointed Ferrykeeper from the Causey aforesaid to the said Town of *Tappahannock*, during the Minority of the said *Moore Fauntleroy*, shall give the same Bond, and have and enjoy the same Privileges, and be subject and liable to the like Regulations, Fines, and Penalties, as are given, prescribed, appointed, and inflicted, on Ferrykeepers, by the before mentioned Act of Assembly. * Said not in the Roll.

C H A P. II.

An Act to amend an Act entitled An Act for giving a Reward for killing Wolves. (a)

I. **W**HEREAS by an Act of Assembly made in the twenty second Year of the Reign of his late Majesty King *George* the second, intituled *An Act for giving a Reward for killing Wolves*, a Premium of fifty Pounds of neat Tobacco is allowed to any Person who shall kill a young Wolf, not exceeding the Age of six Months, and one Hundred Pounds of neat Tobacco for every Wolf above that Age, to be levied and paid in the County where the same shall be killed, and repaid to such County in the next publick Levy.

II. *AND* whereas the Inhabitants of the Counties of *Hampshire*, *Frederick*, and *Augusta*, are by Law allowed to discharge their Tobacco Dues in Money, at the Rate of one Penny per Pound, by which the Persons entitled to the Rewards for killing Wolves within the said Counties receive much less than others, and the said Counties receive from the Publick more than they pay to the Persons performing the Services, which is attended with Injustice to Individuals, and of no Advantage to the Publick.

III. *FOR* Prevention whereof for the future, Be it enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that the Courts of the said Counties of *Hampshire*, *Frederick*, and *Augusta*, shall hereafter levy the Rewards given by the said Act for killing Wolves in Money, at the Rate of twelve Shillings and Sixpence for every Hundred Weight; to be paid by such Counties, and repaid them by the Publick in Tobacco, in Manner as by the said recited Act is directed, any Law, Custom, or Usage, to the contrary thereof notwithstanding.

(a) See 22 Geo. 2. (1748) Cap. 40. with Notes.

A. D. 1764.

C H A P. III.

An Act for establishing the Landing Place from Frazer's Ferry at the Causey opposite thereto. (a)

I. **W**HEREAS it is represented to this present General Assembly that *William Frazer*, of the County of *King William*, hath lately raised a Causey through the Marsh opposite to his Plantation, from whence a publick Ferry is established over *Mattapony* River, which was not effected without great Labour, Expense, and Trouble; and that the Passage over the said River will be considerably shortened, and it would be of great Ease and Advantage to Travellers if the publick Landing Place from the said Ferry was established at the said Causey; and that the Guardian of the Infant Children of *George Braxton*, Esquire, deceased, who are seized of the Reversion of the Lands adjoining the said Causey, have consented thereto:

II. *BE it therefore enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that from and after the passing of this Act the publick Landing Place over the said River, from the said Frazer's, shall be, and the same is hereby established at the Causey aforesaid, and from thence back again to the said Frazer's, any Law, Usage, or Custom, to the contrary thereof, in any Wise notwithstanding.*

C H A P. IV.

An Act for amending the Staple of Tobacco, and for preventing Frauds in his Majesty's Customs. (b)

Preamble.

I. **W**HEREAS the Act passed in the twenty second Year of the Reign of his late Majesty King *George* the second, *For amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs*, is, from the many Alterations made therein by the several Acts since passed for amending and continuing the same, rendered difficult to be understood, whereby many Penalties may be incurred, and this present General Assembly having thought it expedient that the said Laws should be reduced into one Act:

All Tobacco
to be brought to
a Warehouse.

II. *BE it therefore enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that for the more effectual preventing the Exportation of trash, bad, unsound, and unmerchantable Tobacco, all Tobacco which, from and after the Commencement of this Act, shall be exported out of this Colony (except only such Tobacco as hath been, or shall be, viewed and inspected according to the Directions of the Laws now in Force) shall be first brought to some or one of the publick Warehouses herein after mentioned, and shall be there viewed and inspected in Manner as herein after is expressed.*

All Tobacco
to be exported
shall be packed
in Casks, and
inspected.

III. *AND be it further enacted, by the Authority aforesaid, that no Person shall put on Board, or receive into, any Ship, Sloop, Boat, or other Vessel, in Order to be exported therein, any Tobacco not packed in Hogsheads or Casks, upon any Pretence whatsoever; nor in any Hogshead or Cask, to be in that, or any Ship, Sloop, Boat, or other Vessel, exported out of this Colony, before the*

(a) See 22 Geo. 2. (1748) Cap. 11.

(b) Continued and amended by 7 Geo. 3. (1766) Cap. 14.
Further continued by 8 Geo. 3. (1768) Cap. 1.

same shall have been viewed and inspected according to the Directions of this Act, except as before excepted: But that all Tobacco whatsoever to be received or taken on Board any Ship, Sloop, or other Vessel, and to be therein exported, or to be carried or put on Board any other Ship, Sloop, or other Vessel, for Exportation, as aforesaid, shall be received or taken on Board at the several Warehouses for that Purpose herein after mentioned, or some or one of them, and at no other Place or Places whatsoever. And every Master, (a) Mate, or Boat-swain, of any Ship or other Vessel which shall arrive in this Colony, in Order to load Tobacco, during the Continuance of this Act, shall, before the said Ship or Vessel be permitted to take on Board any Tobacco whatsoever, make Oath before the Naval Officer of the District wherein such Ship or Vessel shall arrive (which Oath the said Naval Officer is hereby empowered and required to administer) that they will not permit any Tobacco whatsoever to be taken on Board their respective Ships or Vessels except the same be packed in Hogsheads or Casks stamped by some Inspector legally thereunto appointed, which Oath they shall subscribe in a Book to be kept by the Naval Officer for that Purpose. And if any Master shall cause any Person who is not really and *bona fide* Mate or Boat-swain to come on Shore and take such Oath, he shall for the said Offence forfeit and pay twenty Pounds. And if any Master or Commander of any Ship or Vessel shall take on Board, or suffer to be taken on Board, the Ship or Vessel whereof he is Master, any Tobacco brought from any other Place than some or one of the publick Warehouses herein after mentioned, or any Hogshead or Cask of Tobacco not stamped by some lawful Inspectors, or shall suffer to be brought on Board any Tobacco, except in Hogsheads or Casks stamped as aforesaid, every such Master and Commander shall forfeit and pay twenty Pounds of lawful Money for every Hogshead or Cask of Tobacco which shall not have been brought from one of the said publick Warehouses, or which shall not be stamped as aforesaid, and moreover every such Hogshead or Cask of Tobacco shall be forfeited.

A. D. 1764.

The Oath of
Master of
Vessels intend-
ing to load with
Tobacco.Penalty on
such Master.

IV. AND for as much as the permitting Tobacco in Bulk or Parcels to be Water born, on Pretence of being carried to the Warehouses established by this Act, may give great Opportunity to the clandestine running the same on Board the Ships lying at or near the said Warehouses, whereby the Evil of exporting trash Tobacco may be still continued: *Be it further enacted, by the Authority aforesaid,* that if any Person taking upon himself to carry any Tobacco to or from any of the said Warehouses, in his Sloop, Boat, or other Vessel, for Hire, shall presume to take on Board, or permit or suffer to be taken on Board, any Tobacco whatsoever in Bulk or Parcels, such Tobacco shall not only be forfeited, and may be seized by any Person or Persons whatsoever, but the Master or Skipper offending herein shall forfeit and pay twenty Shillings for every Hundred Pounds Weight of such Tobacco, and so proportionably for a greater or lesser Quantity; and the Master or Commander of any Ship or Vessel wherein any Tobacco in Bulk or Parcels shall be found shall, over and above the Forfeiture thereof, be subject and liable to the same Penalty, to be recovered, if it doth not exceed five Pounds, before any two Justices of the Peace of any County (one of them to be of the Quorum) near the Place where such Ship, Sloop, Boat, or other Vessel shall lie, and if it exceeds five Pounds, in any Court of Record, by Action of Debt, wherein the Plaintiff shall recover his Costs. And every Servant, Slave, or other Person employed in navigating any such Sloop, Boat, or other Vessel, who shall connive at, or conceal, the taking or receiving on Board any Tobacco in Bulk or Parcel as aforesaid, shall, by Order of such Justice, receive on his bare Back thirty nine Lashes, well laid on; and if such Sloop, Boat, or other Vessel, be under the Care and Management of a Servant, who cannot satisfy and pay the said Penalty, then such Servant, and every other Person employed under him who shall be guilty of conniving at, or concealing, the taking on Board Tobacco in

No Tobacco
to be taken on
Board any
Vessel in Bulk
or Parcels.

(a) By 22 Geo. 2. (1748) Cap. 18. Masters to give Bond and swear not to injure Casks, &c.

A. D. 1764.

Bulk or Parcel as aforesaid, shall, upon Complaint thereof made to any Justice of the Peace, have and receive, by Order of the said Justice, thirty nine Lashes, well laid on. And if any Servant shall be again trusted with the Care and Management of any Sloop, Boat, or other Vessel, and shall be convicted a second Time of taking or receiving on Board the same any Tobacco in Bulk or Parcel, contrary to the Directions of this Act, the Owner of such Servant shall forfeit and pay the like Sum of twenty Shillings for every Hundred Pounds Weight of such Tobacco so taken or received on Board in Bulk or Parcel, and shall also forfeit and pay five Shillings for every Day such Servant shall thereafter be employed as Skipper or Master of any Sloop, Boat, or other Vessel to him belonging; to be recovered, and applied, as aforesaid.

Except in
these Instances.

V. *PROVIDED* always, that nothing herein before contained shall be construed to prohibit any Person from carrying, or causing to be carried, to the said Warehouses, in any Boat or other Vessel, any Tobacco in Bulk or Parcels for the Payment of his or her Levies, Debts, or other Duties; nor to prohibit any Person to put or take on Board any Sloop, Boat, or other Vessel, any Hogsheds or Casks of Tobacco to be Water born to any Warehouse or Warehouses appointed by this Act, so as the same be not carried out of the Naval Officer's District wherein the said Tobacco shall be made; nor to prohibit the Owner of any Tobacco to transport his Crops, or any Part thereof, in Hogsheds or Casks, from one Plantation to another, for the better handling or managing thereof; nor any Purchaser of Tobacco from bringing the same by Water to be repacked, sorted, stemmed, or prized, before the same be carried to the said Warehouses, so as such last mentioned Tobacco be packed in Hogsheds or Casks: But no Tobacco, on any Pretence whatsoever, shall be carried or transported by Water to be inspected out of the District limited and appointed for the several Naval Officers of this Colony wherein the same is or shall be made; or, being so carried, shall not be inspected or passed by any Inspectors, knowing the same to be made out of such District, upon Pain of forfeiting, by the Owner of such Tobacco, and the Inspectors who shall pass the same, twenty Shillings for every Hoghead, to the Informer.

Proviso relating to the Inhabitants on Fleet's and Warraqueak Bays.

VI. *PROVIDED* nevertheless, that it shall and may be lawful for the Inhabitants of Fleet's Bay, on the south Side of Indian Creek, in the County of Lancaster, to carry their Tobacco by Water to the publick Warehouses at Indian Creek; and the Inhabitants of Warraqueak Bay, and the Parts adjacent, to carry their Tobacco to be passed at any Warehouse in the upper District of James River.

Masters of Vessels to give in to the Naval Officers Manifests of their Tobacco, on Oath.

VII. *AND* be it further enacted, that every Master of a Ship or Vessel wherein Tobacco shall be laden, shall, at the Time of clearing, deliver to the Naval Officer two fair Manifests of all the Tobacco on Board his Ship or Vessel, expressing the Marks and Numbers of every Hoghead, and the tare and neat Weight stamped thereon, the Person by whom shipped, and from what Warehouse, and shall make Oath thereto; and that the same is a just and true Account of the Marks, Numbers, tare and neat Weight, of each respective Hoghead, as the same was taken down by the Person or Persons appointed by him to take the same, before the said Tobacco was stowed away: And no Ship or Vessel shall be cleared by the Naval Officer before he shall have received such Lists and Manifests, one of which said Manifests shall by the said Naval Officer be annexed to such Master's Certificate or Clearance, to the End the same may be delivered to the chief Officer of the Customs in such Port or Place where the said Ship shall unload; and the other of the said Manifests shall, by the said Naval Officer, be transmitted to the said chief Officer of the Customs, by the next convenient Opportunity.

A. D. 1764.

Relanded
Tobacco must
be at some
Warehouse.

VIII. *AND be it further enacted*, that if the Skipper of any Sloop, Boat, or other Vessel, or other Person or Persons to whom the Care and Management thereof shall be intrusted, shall land or put on Shore any Hoghead or Cask, or Package of Tobacco, put on Board the same to be carried to any publick Warehouse, at any other Place or Places than the Warehouses by this Act appointed for the Reception and Inspection of Tobacco, or at some or one of them, or the Wharfs or other Landing to such Warehouse or Warehouses belonging, or shall put the same on Board any other Vessel, or suffer the same to be done, so as the same be not delivered at some of the said publick Warehouses without Fraud or Embezzlement, or shall open any Hoghead or Cask of Tobacco so as aforesaid Water born and landed, and take thereout any Tobacco before the same be viewed by the Inspectors, according to the Directions of this Act, or after the same has been viewed shall fraudulently open any Hoghead or Cask and take thereout any Tobacco, every such Offence shall be adjudged Felony, and the Offender or Offenders shall suffer as in Case of Felony.

IX. *PROVIDED always*, that nothing herein before contained shall be construed to prohibit the landing or putting on Shore any Hoghead, Cask, or Package of Tobacco, out of any Sloop, Boat, or other Vessel, which by Distress of Weather shall be forced on Ground, or become leaky, so as such landing be really and *bona fide* for the Preservation of the Tobacco laden in such Vessel, and that the same may be with all convenient Speed carried thereafter to the Warehouse or Ship (as the Case shall be) to which it was designed, without Embezzlement.

Except in Dis-
tress of Wea-
ther.

X. *PROVIDED also*, that if by any of the Accidents aforesaid, or Negligence of the Master or Skipper of any Vessel, any Tobacco which hath been * viewed and stamped shall, in its Carriage to the Ship in which it is intended to be exported, receive so much Damage as that the Master of such Ship will not receive it on Board, every Hoghead or Cask of Tobacco so damnified shall, with all convenient Speed, be carried to some Warehouse appointed by this Act, and there lodged until the Owner of the said Tobacco, or Master of the Vessel in which it was damaged, shall have separated the same, and repacked the good Tobacco; and then the same shall be weighed, and stamped with the Weight, by the Inspectors attending such Warehouse, without Fee or Reward: But if the Owner of such Tobacco, or the Master of the Vessel in which it was damaged, shall fail or delay to separate and repack the same within ten Days, then the Inspectors at the Warehouse where such damaged Tobacco shall be landed shall, and they are hereby required and enjoined to separate, repack, weigh, and stamp the same; and such Inspectors shall have and receive, of the Owner of such Tobacco, five Shillings for each Hoghead or Cask of Tobacco, to be paid by such Owner before the said Tobacco shall be delivered out for Exportation.

Damaged
Tobacco.
* Received
in the Roll.

XI. *AND for preventing the clandestine Transportation of bad and unmerchable Tobacco from this Colony to the Provinces of North Carolina and Maryland, and also for the preventing the Exportation of Tobacco in Bulk or Parcels, Be it further enacted, by the Authority aforesaid*, that no Tobacco whatsoever, of the Growth or Production of this Colony, shall, during the Continuance of this Act, be transported or carried into either of the said Provinces of North Carolina or Maryland, either by Land or Water, until the same hath been first viewed, examined, and stamped, at one of the Warehouses appointed or to be appointed in Pursuance of this Act, nor until due Entry thereof shall be made with the Officers of the Customs in the District wherein the Owner of the said Tobacco shall reside, and a Permit obtained from them for that Purpose; and if any Person or Persons shall presume to carry or transport, or cause to be carried or transported, any Tobacco not inspected and stamped, or without having obtained such Permit as aforesaid, to either of the said Provinces of North Carolina or Maryland, he or

No Tobacco
to be transport-
ed to North
Carolina or
Maryland
without being
inspected, &c.

A. D. 1764.

they so offending shall forfeit and pay five Pounds for every Hoghead or Cask of Tobacco, and twenty Shillings for every Hundred Pounds of Tobacco in Bulk or Parcels, transported or carried out contrary to the Directions of this Act.

Sheriffs, &c.
to take an Oath
to make Discovery
where Tobacco is intended
to be shipped, &c. contrary
to this Act.

* If in the Roll.

XII. *AND be it further enacted*, that all Sheriffs, Under Sheriffs, and Constables, who shall be in Office at the passing of this Act, shall, at the first Court to be held for their respective Counties after the Publication thereof, take an Oath that if they shall at any Time know, or be credibly informed, or have good Reason to suspect, that any Tobacco is pressed or packed in any Cask, Chest, or other Package whatsoever, or any Tobacco is put on Board any Boat, or Vessel, in Order to be shipped off without being inspected, or that any Tobacco is carrying or carried out of this Colony into *Carolina* or *Maryland* without a Permit for so doing, they will forthwith make Information, and a particular Discovery thereof, to the next Justice of the Peace of the County where such Tobacco shall be. And that all Sheriffs and Under Sheriffs respectively which shall, after the passing of this Act, be appointed or sworn into the said Offices, shall, at the Time of their being sworn, take the same Oath, and obtain a Certificate thereof; and every such Officer failing so to do shall forfeit five Pounds current Money, to the Informer, to be recovered, with Costs, by Action of Debt or Information, in any Court of Record within this Dominion. And every Inspector and Constable shall take the same Oath, at the first Court held for the County where he resides, or at the same Court, if sworn at the County Court, after he shall be sworn in his Office, under the like Penalty. And if any Justice of the Peace shall know, or be informed by any of the said Officers, or by any other Person, upon Oath, * of any such Tobacco so pressed or packed, in Order to be shipped off, or carried out of this Colony, without being inspected as aforesaid, such Justice, or by his Warrant any Sheriff, Under Sheriff, or Constable, within the Limits of his County, shall have Power and Authority, and is hereby required, to enter any suspected Houses, and to break open all Doors, either by Day or by Night, to search for the same; and finding any Tobacco pressed in any Cask, Chest, or Case, that shall not contain two Hundred Pounds Weight of neat Tobacco, or any Package made up in Linen Cords or spun Yarn of any Weight whatsoever, such Justice, Sheriff, Under Sheriff, or Constable, respectively, shall seize and destroy the same, and the Person in whose Possession such Tobacco shall be found shall forfeit, to the Informer, ten Shillings for every Hundred Pounds Weight, and so in Proportion for a less Quantity, to be recovered, with Costs, in any Court of Record, if it be twenty five Shillings current Money or more, or if under that Sum before any Justice of the Peace of the County where the Fact shall be committed; and such Justice shall and may issue an Execution either against the Body or Goods of the Offender accordingly, any Law, Statute, or Custom, to the contrary notwithstanding. And any Justice of the Peace of any County near the Place where any Ship, Sloop, Boat, or other Vessel, shall ride, upon Application to him made by any Person suspecting any Tobacco in Bulk or Parcels to be on Board such Ship, Sloop, Boat, or other Vessel, shall and is hereby empowered and required to issue his Warrant, directed to the Sheriff, or any Constable of his County; and the Sheriff or Constable shall have full Power and Authority, and he is hereby required, to enter and go on Board such Ship, Sloop, Boat, or other Vessel, to search for and seize such Tobacco, and the same being seized shall be brought on Shore, and carried before the same or any other Justice, who shall cause the same to be immediately weighed, and burnt by such Sheriff or Constable. And if any Master or Commanding Officer of any Ship or Vessel, or the Skipper of any Sloop, Boat, or other Vessel, or any other Person whatsoever, shall resist the Officer in the Execution of any such Warrant, every such Master or Commanding Officer shall forfeit and pay fifty Pounds; and every such Skipper, Sailor, or other Person so resisting, shall forfeit and pay ten Pounds. And if any Action shall be brought against any Justice of the Peace, Sheriff, Under Sheriff, Constable, for doing any Thing in Execution of this Act, the Defendant may plead the General Issue, and give this Act in Evidence; and if the

Plaintiff shall be nonsuited, or a Judgment pass against him upon a Verdict or Demurrer, the Defendant shall recover double Costs. *A. D. 1764.*

XIII. AND for preventing the cutting and manufacturing bad, unsound, and trash Tobacco, *Be it further enacted, by the Authority aforesaid,* that from and after the passing of this Act no Person whatsoever shall cut, manufacture, and prize into any Hogshead or Cask, any Tobacco which shall not have been viewed, examined, and passed, at some or one of the publick Warehouses, before the same shall be cut and prized; and every Person bringing any Hogshead or Cask of cut and manufactured Tobacco to any Warehouse to be viewed, stamped, and passed, shall, before the same be viewed and examined, or stamped, make Oath before the Inspectors of the Warehouse to which the same shall be brought, or one of them (which Oath the said Inspectors, or one of them, is and are hereby empowered and required to administer) that all the Tobacco cut and manufactured, contained and prized in such Hogshead or Cask, was, before the same was cut and prized, viewed, examined, and passed at some or one of the publick Warehouses in this Colony, and that, to his Knowledge, Privity, or Direction, no other Tobacco hath been packed or prized in such Hogshead or Cask: And it shall not be lawful for any Inspectors to view, pass, and stamp, any Hogshead or Cask of cut and manufactured Tobacco before such Oath be taken by the Person bringing or owning the same. And if any Person shall presume to cut and manufacture any Tobacco which shall not have been first viewed, examined, and passed at some or one of the publick Warehouses as aforesaid, in Breach of this Act and of the said Oath, every such Person so offending, and being thereof lawfully convicted, shall forfeit and pay for every such Offence ten Pounds, and moreover shall suffer as in Case of wilful and corrupt Perjury.

For preventing the cutting and manufacturing bad, unsound, and trash Tobacco.

XIV. AND *be it further enacted,* that any light Hogshead or Parcel of Tobacco, after the same shall be passed at any publick Warehouse, and not stamped, shall and may be delivered out by the Inspectors to the Owner of their Receipts, and such Tobacco may be carried away, for the better sorting and stemming, or cutting the same; provided that such Tobacco shall not be shipped off until it shall be again inspected, passed, and stamped, for which the Inspectors shall receive the established Fees, under the same Penalties as are herein before inflicted for shipping off, and taking on Board any Ship or other Vessel, Tobacco not inspected, viewed, and stamped, according to the Directions of this Act.

Light Tobacco may be delivered to the Owner before stamped, but not shipped before again inspected.

XV. AND *be it further enacted, by the Authority aforesaid,* that publick Warehouses for Inspection of Tobacco, pursuant to this Act, shall be kept at the several Places herein after mentioned, that is to say: In the County of Accomack, at Pitt's Landing, upon Pokomoke, and at Guilford's, where the Warehouses are now kept, under one Inspection; at Pungoteague, in the same County, and at Nasswaddox, in Northampton County, where the Warehouses are now kept, under one Inspection. In the County of Caroline, at Conway's and Roy's. In the County of Charles City, at Swinyard's, and upon the Land of William Kennon, where the Warehouses are now kept. In the County of Dinwiddie, at Bolling's Point and Bollingbroke, on the Land of Robert Bolling. In Elizabeth City County, on the Lands of William Curle, adjoining the Town of Hampton. In the County of Essex, at Bowler's, and on Piscataway Creek, where the Warehouses now are, under one Inspection; at Hobb's Hole, at Layton's, and at Port Micon, under one Inspection. In the County of Fairfax, at Colchester, at Pohick, at Hunting Creek, and on the Land of Philip Ludwell Lee, Esquire; at the Falls of Potowmack. In the County of Gloucester, at Gloucester Town, at Eastermost River, at Deacon's Neck, and at Poropotank, where the Warehouses are now kept. In the County of Hanover, at Page's, and at Crutchfield's upper Landing, upon the Land of Mr. Page, and Meriwether's. In the County of Chesterfield, at Warwick, Rocky Ridge, Osborne's, and at Colonel John Bolling's, where the Warehouses are now kept. And at Bermuda Hundred, in the County

Warehouses established.

P p p p p

A. D. 1764.

of *Henrico*, at *Byrd's*, *Shocko's*, at *Four Mile Creek*, on the Land of *John Pleasants*, and on the lower Side of the said Creek, on the Land of *Charles Woodson*, under one Inspection. In the County of *Isle of Wight*, at *Smithfield*, and at *Fulgham's Point*, under one Inspection, and at *Warwicksqueak Bay*. In the County of *King and Queen*, at *Shephard's* and *Thomas Turner's*, under one Inspection; at *Mantapike*, at *Walkertown*, on the Lot of *Mr. Baylor Walker*, in the said County, and at *Waller's Ferry*, in the County of *King William*, under one Inspection; and at *Todd's*. In the County of *King William*, at *Aylett's*, at *Quarles's*, at *Williams's*, and the *Piping Tree*, under one Inspection; and at *Waller's Ferry*, and *Walkertown*, in *King and Queen County*, under one Inspection. In the County of *King George*, at *Bray's Church*, *Falmouth*, and on *Jonathan Gibson's* Land, where the Warehouses are now kept; and on *Mr. George Morton's* Land, and at the upper Lots of *John Dixon*, at *Falmouth*. In the County of *Lancaster*, at *Davis's* and *Lowry's*, under one Inspection; at *Dymer's* and *Indian Creek*, in the County of *Northumberland*, under one Inspection; and at *Deep Creek*. In the County of *Middlesex*, at *Kemp's*, and at *Urbanna*. In the County of *Norfolk*, at the *Great Bridge*, on *Mr. Samuel Boush's* Land, and at *Kemp's* Landing, in the County of *Princess Anne*, under one Inspection. In the County of *Nansemond*, at *Sleepy Hole*, and on the north Side of *Nansemond River*, upon the Land of *William Wilkinson*, under one Inspection; and on the Land of *Thomas Milner, Junior*, on the western Branch of *Nansemond River*, and at *Constance's*. In the County of *Northampton*, at *Cherrystone's* and *Hungar's*, under one Inspection. In the County of *New Kent*, upon the Land of *Richard Littlepage*, on the Land of *Anthony Waddy*, and at the *Brick House*, on *Colonel Bassett's* Land. In the County of *Northumberland*, at *Wiccocomico*, and at *Coan*. In the County of *Prince George*, at *Blandford*, and on *Powell's Creek*, on the Land of *George Noble*. In the County of *Prince William*, at *Quantico*. In *Richmond County*, at *Cat Point*, and on *Sir Marmaduke Beckwith's* Land, near the Bridge on *Rappahannock Creek*, under one Inspection; and at * *Totuskey Creek*, on the Land of *Mr. Brokenbrough*, and on the Land of *Mr. Hornby*, where the Warehouses are now kept, under one Inspection; and at *Glasscock's*. In the County of *Surry*, at *Cabin Point*, and at *Gray's Creek*. In the County of *Stafford*, on *Potowmack Creek*, upon * *Cave's* Land, and at *Boyd's Hole*, where the Warehouses are now kept, and at *Acquia*. In the County of *Spotsylvania*, at *Fredericksburg*, and *Roystone's*. In the County of *Warwick*, at *Denbigh*. In the County of *Westmoreland*, on both Sides of *Nomony*, upon *Spence's* and *Hood's* Land, under one Inspection; on the Land of *Richard Bernard*, formerly *Butler's*, upon the lower Side of *Upper Machotack River*, and on *William Price's* Land, on the east Side of *Mattox Creek*, on the Land of *John Watts*, on the West Side of the said Creek, under one Inspection; at the *New Landing*, on *Jeremiah Garland Bayley's* Land, and at *Rust's*, on *Yeocomico*, under one Inspection; and at * *Stratford Landing*. In the County of *York*, at *Roe's*, at *York Town*, and at the *Capitol Landing*, and at the *College Landing*, in *James City County*, under one Inspection.

* *Taluskey*
in the Roll.

Cave's in the
Roll.

* *Stafford* in
the Roll.

A Warehouse
established at
Town Point,
Norfolk.

XVI. AND whereas it will be convenient, for relanding such Tobacco as hath been brought from the Warehouses where it was inspected to be put on Board some Ship or other Vessel for *Great Britain*, but cannot be shipped by Reason of such Vessels not being able to stow the same, that a publick Warehouse for the Reception of such Tobacco should be erected at *Town Point*, in the Borough of *Norfolk*, at which Place many Vessels lie to take in their Lading: Be it therefore further enacted, by the Authority aforesaid, that the Company erected and established under the Denomination of the *Town Point Company*, by a former Act of Assembly, shall, and they are hereby required to build a Warehouse at the Place aforesaid, which shall be under the Care of the Inspectors of the *Great Bridge* and *Kemp's* Warehouses, who shall receive from such Persons as shall reland their Tobacco the Sum of eightpence for every Hoghead by them received according to the Directions of this Act; and the said Company shall be

* entitled to receive all the Rents which shall be come due from the said Warehouse.

A. D. 1764.
* Instituted
in the Roll.

XVII. *AND be it further enacted*, that the said Warehouse shall be under the same Regulations, and the Proprietors of Tobacco there entitled to the same Relief, in Case of Loss of their Tobacco, as are directed, prescribed, and appointed, for the other Warehouses established by this Act.

Under the
same Regula-
tions as other
Warehouses.

XVIII. *AND be it further enacted*, that the Rents of the several Warehouses hereby established shall be, and they are hereby settled at the following Rates: At Pungoteague, £. 8. At Nasswaddox, £. 6. At Pitt's and Guildford's, £. 10. At Swinyard's, £. 10. At Hampton, £. 7. At Bermuda Hundred, £. 8. At Prince's Anne and the Great Bridge, each £. 5. At Cherry-stone's and Hungar's, £. 5. At Roe's, £. 10. At the College * Landing, £. 10. And at all the other Warehouses there shall be paid and allowed for the Rents of the same eightpence for every Hogshead of Tobacco that shall be received, inspected, and delivered out of such Warehouses respectively.

Rents of the
Warehouses.

* Landing
not in the Roll.

XIX. *PROVIDED always*, that where Wharfs are or shall be necessary to be built or kept in Repair at any of the said Warehouses, and the Rents hereby established are not sufficient for building and keeping in Repair such Wharfs, or where any new Warehouses shall hereafter be built in Pursuance of this Act, and the Rent hereby established shall not be proportionable to the Expense of such Building, in both the said Cases such further Allowance shall be made by the General Assembly as shall be thought reasonable, and the Rents aforesaid, together with the Inspectors Salaries, shall be paid and allowed by the Treasurer to the several Inspectors upon the passing their Accounts; and the Inspectors shall pay the Rents, to the Persons entitled to receive the same, out of the Money received by them for inspecting Tobacco: And if the Money received by any Inspectors of any of the Warehouses aforesaid shall not be sufficient to pay the Salaries and Rents aforesaid, and other incident Charges in this Act mentioned, such Deficiency shall be made good out of the general Fund arising by the Profits of the other Warehouses; and if that shall prove deficient, then the said Rents and Charges, together with the Inspectors Salaries, shall be paid and satisfied out of any other publick Money in the Hands of the Treasurer for the Time being.

Where Rents
are not suffi-
cient, Wharfs
and new Ware-
houses shall be
built at the
publick Ex-
pense.

XX. *AND be it further enacted*, that where the Warehouses are already built at any of the Places herein before mentioned and appointed for keeping the same, and are now made Use of as and for publick Warehouses, the Proprietors and Owners of such Warehouses shall be, and they are hereby obliged to let the same to the Inspectors, during the Continuance of this Act, at the Rent hereby established for such Warehouses respectively; and if any Proprietor or Owner shall refuse so to do, he shall forfeit and pay one Hundred Pounds. And where Warehouses are not already built at any of the Places aforesaid, or where any new Warehouses shall be hereafter appointed to be kept at any other Place, it shall and may be lawful for the Justices of the Court of that County wherein such Place is or shall be, and they are hereby required, at the next Court to be held for their County after the Commencement of this Act, to order and direct so many strong, close, and substantial Houses, secured with strong Doors hung on Iron Hinges, and with strong Locks or Bolts, as will contain sufficient Room for one Half of the Number of Hogsheads which in their Opinion will be brought to the same; and one Brick Square or Funnel six Feet high at least, and four Feet diameter, with a proper Arch at the Bottom of the same, for burning all Tobacco refused at such Warehouses, and such Wharfs and other Conveniences as shall be necessary, and shall cause the Owner or Proprietor of the Land whereon such Warehouses are appointed to be kept, and if such Owner or Proprietor be under Age, *Iteme Couvert*, or out of the Country, then the Guardian, Husband,

Proprietors
of Warehouses
shall let them
to Inspectors.

Owners of
Lands, where
Warehouses are
to be built, to be
summoned to
declare whether
they will build
or not; and if
no Person will
build, Justices
to do it.

A. D. 1764.

or known Attorney or Agent (as the Case is) of such Owner or Proprietor, to be summoned to appear before them at the next succeeding County Court after such Summons shall issue, there to declare whether they will undertake to erect and build such Houses, Funnel, Wharfs, and other Conveniences, and let the same to the Inspectors appointed to attend at such Warehouses at the Rent settled by this Act, or which shall be hereafter settled for the same; and in Case such Owner, Guardian, Husband, known Attorney, or Agent, will undertake the same, then the said Court shall, and they are hereby required to take Bond, with one sufficient Security, in a reasonable Penalty, payable to his Majesty, his Heirs and Successors, with a Condition for the due Performance of such Undertaking; and if such Owner, Guardian, Husband, known Attorney, or Agent, shall refuse to undertake the same, or to give such Bond as aforesaid, then it shall and may be lawful for the said Justices, and they are hereby required, to value an Acre of the said Land, and to pay or tender to the Proprietor, his or her Guardian, Husband, known Attorney, or Agent, the Value thereof, which shall be repaid to the said Justices by the Publick, and from thenceforth the Justices of the said County for the Time being shall be seized in Fee of the said Land, in Trust, and for the Use of the Publick, during the Time the said Place shall be made Use of for a publick Warehouse; and the said Justices shall agree with some Person or Persons to erect and build thereon such Houses, Funnel, Wharfs, and other Conveniences, as herein is before directed, and shall certify the Charge thereof to the Treasurer of this Colony for the Time being, who is hereby directed and required to pay the same out of the publick Money in his Hands arising from the Inspection of Tobacco, and shall and may take and receive of the Inspectors the Rent established at such Warehouse for reimbursing the Publick the Charge of such Buildings, until the same shall be satisfied and repaid. And where the Justices of any County Court, or any other Person or Persons, have already built Warehouses upon the Lands of another Person by Virtue or in Pursuance of the Laws now in Force, the said Justices, or other Person or Persons, shall in like Manner be seized in Fee of the Acre of Land upon which such Warehouses are built, so long as the said Places respectively shall be made Use of for publick Warehouses; but if any of the Warehouses which are or shall be built by the Publick, the Justices, or other Persons, shall hereafter be discontinued, the Proprietor of the Land returning the Price paid for the same shall be from thenceforth seized of his former Estate.

Where Ware-
houses are dis-
continued.

Inspectors to
lay yearly be-
fore their
County Courts
an exact Ac-
count of the
Number of
Hogsheads in-
spected by
them, and
thereupon such
Court may di-
rect the repair-
ing the old and
building new
Warehouses.

XXI. *AND be it further enacted, by the Authority aforesaid, that the Inspectors at the several Warehouses shall, at the Court to be held for their respective Counties in the Month of September, yearly, or at the next succeeding Court, produce and render into Court an exact Account, under their Hands, of the Number of Hogsheads of Tobacco inspected at their respective Warehouses the preceding Year, and of the Condition of the Warehouses under their Charge, and the Quantity of Tobacco they are capable of containing; and thereupon such Court, if they shall not be satisfied that the Warehouses already built at any of the said Inspections are properly secured, and contain sufficient Room for one Half of the Number of Hogsheads mentioned in such Account to be conveniently stowed, shall enter an Order that the Owner or Proprietor of such Warehouses shall, within such reasonable Time as the said Court shall think fit to allow, repair and make close the Warehouses already built, and secure the same with strong Doors hung on Iron Hinges, and with strong Locks or Bolts, and that such Owner or Proprietor shall also, before the first Day of April in the ensuing Year, erect, build, and completely finish, such and so many other strong, close, and substantial Houses, as, with the other Houses already built, shall be sufficient, in the Opinion of such Court, conveniently to contain one Half of the Quantity of Tobacco mentioned in such Inspectors Account, and secure the same in the Manner herein before directed, a Copy of which Order shall be served on such Owner or Proprietor, or his or her Guardian, Husband, Attorney, or Agent, as the Case shall be: And if such Owner or Proprietor, his or her Guardian,*

Husband, Attorney, or Agent, shall fail to appear at the next succeeding Court after such Notice, and enter into Bond, with sufficient Security, in a reasonable Penalty, payable to his Majesty, his Heirs and Successors, with a Condition for the due Performance of the same, then it shall and may be lawful for the said Court, and they are hereby required, to cause such Repairs and Houses to be made and built as aforesaid, and shall certify the Charge thereof to the Treasurer of this Colony for the Time being, who is hereby directed and required to pay the same out of the publick Money in his Hands arising from the Inspection of Tobacco, and shall take and receive of the Inspectors a Proportion of the Rents established at such Warehouse for reimbursing the Publick the Charge of such Buildings and Repairs, which Proportion shall be settled by the Courts, and by them certified to the said Treasurer; but if there shall appear to be an immediate Occasion to hire Houses before others can be built as aforesaid, the Rent of such Houses shall be paid by the Publick, without any Charge upon the Landlord.

A. D. 1764.

XXII. *PROVIDED*, that where two or more * Inspections are established in one County, within the Distance of one Mile, and it shall be necessary to build more Houses at any of them, the Court shall direct the building such additional Houses at such of the said Inspections as to them shall seem most proper; and if there shall be in the Whole sufficient House Room, according to the Directions of this Act, for one Half of the Tobacco brought to such Inspections, the Court shall not direct the building any other Houses at any of them.

* Inspectors in the Roll. Where two or more Inspections are in one County, within the Distance of a Mile, Houses may be built at either.

XXIII. *AND be it further enacted, by the Authority aforesaid*, that if any County Court shall fail or refuse to do their Duty in directing such Houses, Funnels, Wharfs, and other necessary Conveniences, at the Places established by this Act for erecting new Warehouses, or such additional Buildings and Repairs at the Places where Houses are already built, and causing the same to be built or made according to the Directions of this Act, every Justice so failing or refusing shall forfeit and pay ten Pounds; to be recovered in the General Court, with Costs, by Action of Debt or Information, against such Justices jointly.

Penalty on County Courts.

XXIV. *PROVIDED always*, that nothing herein contained shall be construed to give Power to the said Justices to take away the Houses, Orchards, or other immediate Conveniences, of any Proprietor of Land, for the Uses or Purposes aforesaid; nor to the said Inspectors to keep any Horses, Cattle, or Hogs, at any of the publick Warehouses, except in Enclosures upon the Land appointed for such Warehouses; and if any Swine belonging to the said Inspectors, or any of them, shall be found at large upon the Land appropriated for such Warehouses, or the Lands adjoining thereto, it shall and may be lawful for the Proprietors of the said Lands to kill, or cause to be killed or destroyed, all such Swine.

Justices not to take away Orchards, &c.

Inspectors not to keep Hogs but in Enclosures belonging to the Warehouses.

XXV. *PROVIDED also*, that where any Warehouses have been or shall be built by the Justices or other Person as aforesaid, and the first Proprietor of the Land shall desire to have the same again, such Proprietor, upon Payment of so much Money as shall be sufficient to reimburse the said Justices or other Person the principal Money expended for the Purchase of the Land and the building such Warehouses, with lawful Interest, deducting the Rents received by the said Justices or other Person, shall be restored to his former Estate in the Land whereon such Warehouses are built, and shall receive the Rents afterwards growing due for such Warehouses.

Where a Proprietor may be restored to his former Estate.

XXVI. *PROVIDED also*, that if any Proprietor, so as aforesaid restored to his Estate, shall neglect or refuse to repair and build such Houses and Wharfs as the Court shall think necessary, the Justices shall be again seized of the Fee Simple Estate of such Land during the Time such Place shall be made Use of for a publick Warehouse, and such Proprietor shall not have any Benefit of the Rents that shall thereafter become due.

But if he fails to repair, &c. to be reverted in the Justices.

A. D. 1764.

Justices may,
where the Da-
mages do not
exceed 40 s.
give Judgment
against Persons
committing
Waste on the
Warehouses.

XXVII. *AND be it further enacted, by the Authority aforesaid, that on* Complaint made by the Owner or Owners of any of the Warehouses aforesaid, to any Justice of the Peace of the County wherein such Warehouses shall lie, against any Person or Persons, for breaking, tearing, or committing any Waste or Destruction of or in such Warehouse or Warehouses, it shall and may be lawful for such Justice, and he is hereby empowered and required, to give Judgment, and award Execution, against the Body or Estate of such Offender, if found guilty, for all Damages occasioned by such breaking, tearing, Waste, or Destruction, provided such Damages do not exceed the Sum of two Pounds, in his Opinion; and if such Damages shall exceed that Sum, then it shall and may be lawful for such Owner or Owners to commence and prosecute his, her, or their Action at Law against any such Offender, in any Court of Record within this Colony.

Scales.

XXVIII. *AND be it further enacted, by the Authority aforesaid, that there* shall be kept at every one of the said Warehouses herein before appointed, and at all others hereafter to be appointed, a good and sufficient Pair of Scales, with Weights to weigh fifteen Hundred Pounds at the least, and a Set of small Weights, the same that are or ought to be provided for the Standard Weights of each County; and where such Scales and Weights are not already provided, or now are or shall be hereafter worn out, or become unfit for Use, the Justices of the respective County Courts, wherein any of the said Warehouses are or shall be, are hereby directed and required to provide the same with all convenient Speed, and the Treasurer of this Colony is hereby empowered and required to pay the Purchase Money out of the publick Money in his Hands. And, moreover, the said Justices are hereby required and directed, twice in every Year at the least, to appoint one or more of their Number to view the said Scales, and examine and try the Weights at the several Warehouses by the Standard Weights of the County; and if the said Scales and Weights shall want repairing, or the Weights be found deficient, or differing from the lawful Standard, the said Justices shall cause the same to be repaired and amended, and the Weights made conformable to the Standard; and if the Justice or Justices so appointed shall refuse or neglect to do the same, the Justice or Justices so refusing shall forfeit and pay the Sum of twenty Shillings, and the Charge of repairing and amending the said Scales and Weights, and also for removing the Standard to the several Warehouses for trying the same, shall be paid by the Inspectors respectively, and be again allowed to them in their Account with the Treasurer.

The Manner
of appointing
Inspectors.

XXIX. *AND be it enacted, by the Authority aforesaid, that all Tobacco* which shall be brought to any of the publick Warehouses herein before mentioned shall be viewed, examined, and inspected, by two Persons to be thereunto appointed, who shall be called Inspectors, which said Inspectors shall be appointed in the Manner following, that is to say: The Courts of the several Counties within this Colony, wherein any of the publick Warehouses appointed by this Act are established, shall and may, and they are hereby required, once in every Year, and no oftener, at their respective County Courts held in the Month of *August* or *September*, or one of them, to nominate and recommend to the Governour or Commander in Chief for the Time being, for so many Offices of Inspection as are or shall be in their respective Counties, four fit and able Persons, reputed to be skilful in Tobacco, for the Execution of the Office of Inspectors; and where two Warehouses under one and the same Inspection happen to lie in different Counties, in that Case the Courts of each County shall nominate and recommend two for such Inspection, which Nomination the said Courts shall cause to be entered upon Record, and the Clerks of the said Courts shall, and they are hereby required, forthwith to transmit a Certificate of the same to the Secretary's Office. And out of the said four Persons so nominated and recommended for each Inspection the Governour and Commander in Chief, with Ad-

vice and Consent of the Council, shall and may choose and appoint two to execute the Office of Inspectors at such Inspection; and in Default of such Nomination and Recommendation by the County Courts as aforesaid, the Governour or Commander in Chief, with the like Advice and Consent, shall and may appoint such Persons as he shall think fit to be Inspectors at such Inspection for which no Nomination or Recommendation shall be made as aforesaid. And also, in Case of the Death, Resignation, or Removal, of any Inspector, the Governour or Commander in Chief shall and may appoint any Person named in the last Recommendation from the County Court for that Inspection where the Vacancy shall happen to succeed him, until the next Nomination and Appointment of Inspectors; but if either of the Persons named in such last Recommendation will not accept the said Office, in that Case the Governour or Commander in Chief may appoint any other Person he shall think fit.

A. D. 1764.

XXX. *AND be it further enacted*, that besides the two Inspectors appointed as aforesaid the Governour or Commander in Chief for the Time being, with the Advice and Consent of the Council, shall and may appoint one of the other Persons recommended with such Inspectors to be an additional Inspector at the Warehouse for which he shall be recommended, which additional Inspector shall officiate as such only in Cases of the Disagreement in Opinion of the other Inspectors as to the Quality of Tobacco brought for their Inspection, or where either of them shall through Sickness or otherwise be absent from his Duty, or shall bring his own Tobacco to the Warehouse whereof he is Inspector to be viewed; and the said additional Inspector shall be paid for the Services he shall perform, by Occasion of the Absence of either of the other Inspectors, out of the Salary of such Absenter, in Proportion to the Time he shall officiate.

An additional Inspector to be appointed.

XXXI. *AND be it further enacted*, that if any Inspector shall hereafter accept, receive, or take, directly or indirectly, any Fee, Gratuity, Service, or Reward whatsoever, of any Person, for resigning or giving up his Office of Inspector, he shall not only be for ever disabled from holding the like Office, but for such Offence shall forfeit and pay the Sum of one Hundred Pounds; to be recovered, with Costs, by Action of Debt, in any Court of Record within this Dominion. And every Person offering and paying, directly or indirectly, any Fee, Service, Gratuity, or Reward whatsoever, to any Inspector, to resign his said Office, shall for the said Offence be for ever disabled from holding the Office of Inspector within this Colony.

No Inspector to take a Reward for resigning his Office, under a Penalty on the Payer and Receiver.

XXXII. *PROVIDED always*, that no Justice of the Peace, being an Inspector, or recommended to be an Inspector, shall have or be allowed to vote in the Nomination and Recommendation of Persons to be Inspectors as aforesaid. And that all Inspectors who shall be in Office at the Time of the Commencement of this Act, upon taking the Oaths hereby required at their next County Court, shall continue to act, without new Commissions, until the next Nomination of Inspectors at their respective Warehouses; and where they, or any Person once recommended as aforesaid, and executing the Office of Inspector in Pursuance of such Recommendation, shall be again recommended the next succeeding Year, the same shall be a sufficient Appointment to him to continue in the said Office for another Year, without any new Commission, and so from Year to Year, so long as he shall be so recommended as aforesaid.

No Justice, being an Inspector, to vote in the Recommendation of Inspectors.

XXXIII. *PROVIDED always*, that every Person appointed, or to be appointed, an Inspector by Virtue of this Act, shall, before he enters upon the Execution of the said Office, enter into Bond, with good Security, in the Penalty of five Hundred Pounds, payable to his Majesty, his Heirs and Successors, with Condition for the true and faithful Performance of his Duty, according to the Directions of this Act; and shall also take the following Oath, that is to say:

Inspectors to give Bond, and take an Oath.

A. D. 1764.

The Form of
the Oath.

YO U shall swear that you will diligently and carefully view and examine all Tobacco brought to any publick Warehouse or Warehouses where you are appointed to be Inspector, and that not separately and apart from your Fellow, but in his Presence; and that you will not receive any Tobacco that is not in your Judgment sound, well conditioned, merchantable, and clear of Trash; nor receive, pass, or stamp any Tobacco, Hogshead, or Cask of Tobacco, prohibited by one Act of Assembly intituled An Act for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs; and that you will not change, alter, or give out any Tobacco, other than such Hogsheads or Casks for which the Receipt to be taken was given; but that you will in all Things well and faithfully discharge your Duty in the Office of an Inspector, according to the best of your Skill and Judgment, and according to the Directions of the said Act, without Fear, Favour, Affection, Malice, or Partiality.

So help you God.

To produce a
Certificate of
the same.

Which Oath shall and may be taken before the Governour or Commander in Chief of this Colony for the Time being, or before the General Court, or in the Court of the County wherein such Inspector shall reside, or the Warehouses at which he shall be Inspector shall stand. But before any Inspector shall enter upon the Execution of his Office, he shall produce a Certificate if sworn before the Governour or General Court, as the Case may be, of his taking such Oath, which Certificate shall be lodged with the Clerk of the County where such Inspection shall be; and if any Person shall presume to execute the Office of Inspector before he has given such Bond, and taken such Oath as aforesaid, he shall forfeit and pay five Hundred Pounds.

The Times
the Inspectors
are to attend.

XXXIV. *AND be it further enacted*, that all Inspectors to be appointed by Virtue of this Act shall constantly attend their Duty at the Warehouse or Warehouses under their Charge, from the first Day of *October* to the tenth Day of *August* yearly (except *Sundays*, and the Holidays observed at *Christmas*, *Easter*, and *Whitsuntide*, or when hindered by Sickness) and afterwards they, or one of them, shall constantly attend at the same (except *Sundays*) to deliver out Tobacco for Exportation, until all the Tobacco remaining there the said tenth Day of *August* shall be so delivered; but no Tobacco shall be viewed between the said tenth Day of *August* and the first Day of *October*, except such as remained in the Warehouse on the said tenth Day of *August*. And every Inspector neglecting to attend as aforesaid shall forfeit and pay to the Party grieved five Shillings for every Neglect, or shall be liable to the Action upon the Case of the said Party grieved, to recover all such Damages which he or she shall have sustained by Occasion of any such Neglect, together with his or her full Costs, at the Election of such Party. And all Inspectors shall uncase and break every Hogshead and Cask of Tobacco brought to them to be inspected as aforesaid; and if they shall agree that the same is good, sound, well conditioned, merchantable, and clear of Trash, then such Tobacco shall be weighed in Scales, with Weights of the lawful Standard, and the Hogshead or Cask shall be stamped in the Presence of the said Inspectors, or one of them, with the Name of the Warehouse at which the Tobacco therein contained shall be viewed and inspected as aforesaid, and also the Tare of the Hogshead or Cask, and Quantity of neat Tobacco therein contained. But if the said two Inspectors shall at any Time disagree concerning the Quality of any Tobacco brought for their Inspection to any Warehouse under their Charge, they shall, as soon as conveniently may be, call in the additional Inspector appointed to attend such Warehouse, who shall determine the Difference, and pass or reject such Tobacco; and if he shall pass the same, his Name shall be entered in the Book kept by the Inspectors opposite to the Mark, Weight, and Number, of the Hogshead by him passed, together with the Name of the Inspector at such Warehouse who shall officiate with him.

Every Hogf-
head to be un-
cased and
broke, viewed,
and stamped.Where the
two Inspectors
disagree.

A. D. 1764.

Inspectors to
give Receipts.

XXXV. *AND be it further enacted*, that if any Tobacco shall be brought to any of the said Warehouses for the Discharge of any publick or private Debt or Contract, the said Inspectors, or one of them, after they have viewed, examined, and weighed the said Tobacco, according to the Directions of this Act, shall be obliged to deliver to the Person bringing the same as many Receipts, under the Hands of the said Inspectors, as shall be required, for the full Quantity of Tobacco received by them, in which shall be expressed whether Tobacco so received be sweet scented or Oroonoko,, stemmed or Leaf, which Receipts shall be in the Form following, to wit:

Day of	17	River	Number	Warehouse, the	The Form of such Receipts.
Transfer		Received of		Pounds of	

Tobacco, to be delivered on Demand to him or his Order, according to the Directions of the Act of Assembly *For amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs*, Witness our Hands; shall bear Date the Day the Tobacco for which the same is given shall be received and passed, and shall and are hereby declared to be current in all Tobacco Payments, according to the Species expressed in the Receipt within the County wherein such Inspectors shall officiate, and in any other County next adjacent thereto, and not separate therefrom by any of the great Rivers or Bay herein after mentioned, that is to say: *James River*, below the Mouth of *Appamattox*; *York*, below *West Point*; *Rappahannock River*, below *Taliaferro's Mount*; or by the great Bay of *Chesapeak*; and shall be transferrable from one to another in all such Payments (except as herein is excepted) and shall be paid and satisfied by the Inspector or Inspectors who signed the same, upon Demand. And for every Hoghead of Tobacco brought to any publick Warehouse, for the Discharge of any publick or private Debt, in good Cask, of such Dimensions as herein after expressed, there shall be allowed by the Inspector thereof, to the Person bringing the same, after the Rate of four Pounds of Tobacco for every Hundred Pounds the Tobacco therein contained shall weigh, after the same shall be viewed and passed, so as such Allowance does not exceed thirty Pounds of Tobacco for each Hoghead. And the said Inspectors shall, and they are hereby obliged to make every Hoghead by them paid away, in Discharge of any Receipt by them given as aforesaid, to contain nine Hundred and fifty Pounds of neat Tobacco at the least; and for every such Hoghead of Tobacco by them paid away, well lined and nailed, fit for shipping, there shall be paid by the Person receiving such Hoghead five Shillings for inspecting, and eightpence for Nails, which said Sum of eightpence the said Inspectors shall and may retain in their Hands for their own Use, to reimburse them the Expense of providing Nails. And the Person demanding or receiving Tobacco in Discharge of Receipts as aforesaid shall allow to the Inspectors thirty Pounds of Tobacco for each Hoghead so received, for the Cask, and two Pounds of Tobacco for every Hundred Pounds of Tobacco contained in such Receipts, and so proportionably for a greater or lesser Quantity, for Shrinkage and Wasting, if the said Tobacco be paid within two Months after the Date of the Receipt given for the same, and one Pound of Tobacco for every Hundred, for every Month the same shall be unpaid after the said Allowance, so as such Allowance for Shrinkage and Wasting do not exceed in the Whole six Pounds of Tobacco for every Hundred. And if any Inspector, or Inspectors, by whom any such Receipts for Tobacco as aforesaid shall be signed, shall refuse or delay to pay and satisfy the same when demanded, every Inspector so refusing or delaying shall forfeit and pay to the Party injured double the Value of the Tobacco so refused or delayed to be paid; to be recovered, with Costs, in any Court of Record within this Dominion, if the Receipt or Receipts so refused or delayed to be paid exceed two Hundred Pounds of Tobacco, and if the said Receipt or Receipts do not exceed two Hundred Pounds of Tobacco, the double Value aforesaid shall and may be recovered before any Justice of the Peace of the County wherein the Warehouse shall be at which the Receipt or Receipts ought to be paid.

Where such
Receipts are
payable.

A. D. 1764.

Receipts to be
given expressing
the Kind of
Tobacco.

Three Shil-
lings to be paid
the Inspectors
for each Hogf-
head viewed.

XXXVI. *AND be it further enacted, by the Authority aforesaid, that all Tobacco brought to any of the said Warehouses in Hogheads or Casks to be exported, on Account and for the Use of the Owner thereof, after the same shall have been viewed, examined, and weighed, and found to be good, shall be stamped as herein before directed; and the said Inspectors, or one of them, shall deliver to the Person bringing the same as many Receipts, signed as aforesaid, as shall be required for the Number of Hogheads so brought and stamped, in which shall be expressed whether the Tobacco so received be sweet scented or Oroonoko, stemmed or Leaf, or whether the same is tied up in Bundles or not, and where any Hoghead hath Part Leaf and Part stemmed shall signify the same at the Bottom of such Receipt, and they shall not mix stemmed and Leaf Tobacco in any Hoghead which they shall prize and pay away in Discharge of their Transfer Receipts. And for every Hoghead and Cask brought to any of the said Warehouses to be exported, on Account and for the Use of the Owners thereof, there shall be paid to the Inspectors there attending three Shillings, for viewing, examining, and stamping the same, and the Owners of the said Tobacco shall find and provide Nails for the nailing thereof; and if any Inspector or Inspectors shall alter, change, or deliver out any Hoghead or Cask of Tobacco, other than the Hoghead or Cask for which the Receipt for Crop Tobacco to be taken in was by him or them given, or shall alter or change any such Tobacco, although no such Receipt shall have been given, such Inspector or Inspectors shall forfeit and pay fifty Pounds for every Hoghead or Cask so altered, changed, or delivered out. And all Inspectors shall, and they are hereby obliged, if required, to take in any Receipt or Receipts by them given for Crop Tobacco, and after having weighed such Tobacco to give Transfer Receipts for the same, with an Allowance of four *per Cent.* for the Cask, so as such Allowance does not exceed thirty Pounds of Tobacco for every Cask; provided that such Hoghead shall contain at least nine Hundred and fifty Pounds of neat Tobacco, and not mixed Leaf and stemmed.*

Inspectors Re-
ceipts not a
lawful Tender
after 12
Months.

XXXVII. *AND be it further enacted, that during the Continuance of this Act no Tender of any Debt or Duty payable in Tobacco shall be accounted lawful unless Payment of the same be tendered in Inspectors Receipts, within twelve Months after the Date of such Receipts.*

The Manner
of packing
stemmed To-
bacco, and the
Size of Hogf-
heads.

XXXVIII. *AND for restraining the undue Practice of mixing trash with stemmed Tobacco, and preventing the packing Tobacco in unfizable Casks, Be it enacted, and declared, that all stemmed Tobacco not laid straight, whether the same be packed loose or in Bundles, shall be accounted unlawful Tobacco; and that no Tobacco packed in Hogheads which exceed eight and forty Inches in the Length of the Stave, or thirty Inches at the Head within the Crow, making reasonable Allowance for prizing (which Allowance shall not exceed two Inches above the Gauge in the prizing Head) shall be passed or received, but the Owner of such Tobacco, packed in Casks of greater Dimensions than before expressed, shall be obliged to repack the same in fizable Casks, at his own Costs and Charge, before the same shall be received and stamped by the said Inspectors.*

Refused To-
bacco to be
burnt, unless
picked by the
Owner within a
Month.

XXXIX. *AND be it further enacted, that when any Tobacco shall be brought to any of the publick Warehouses, and refused by the Inspectors there officiating, the same shall be immediately burnt by them, unless the Owner or Person bringing such Tobacco desires to sort and separate the same, and to pick out such as is bad; in which Case the Inspectors shall permit the same to be done, at the Warehouse to which the said Tobacco shall be brought, without Fee or Reward, but shall not, on any Pretence, suffer the said Tobacco to be removed or carried from the said Warehouse. And the said Inspectors shall allow one Month for separating and picking such Tobacco, after which Time, if the same be not done, it shall be lawful for them to burn the Whole, except where the Tobacco is*

in a Sweat, or where the Circumstances or Accidents of Weather may have prevented the handling of it, in which Case the Inspectors shall allow such further Time as they shall think reasonable. And where any Tobacco shall be separated and picked as aforesaid, the trash and bad Tobacco shall be burnt by the Inspectors on the same Day it is picked out, in the Brick Funnel erected or to be erected at such Warehouse, under the Penalty of forfeiting ten Shillings for every Failure, to the Informer, recoverable before any Justice of the County wherein the Warehouse lies. And if any Tobacco packed in Cask by an Overseer, or the Hands under his Care, shall be burnt by the said Inspectors, by Reason of its being bad, unsound, or not in good Condition, the Overseer who had the Care of making and packing the same shall bear the Loss of the Tobacco so burnt, and make Satisfaction for the same out of his Share of the Crop, or otherwise; and the Inspectors shall be obliged to keep an Account of all Tobacco so burnt.

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XL. *AND be it further enacted*, that the Owner of any Transfer Receipts may, at any Time before the Sale of the Tobacco contained in such Transfer Receipts, as herein after is directed, receive and mark Hogheads of Tobacco for satisfying such * Receipts; and the Inspectors shall take in their former Receipts, and deliver Crop Receipts for such Hogheads, and shall be answerable for the safe keeping thereof, in the same Manner as they are for Crop Tobacco; but the Person receiving such Hogheads shall pay to the Inspectors five Shillings and eightpence for the Inspection and Nails for every Hoghead, that is to say, two Shillings and eightpence down, and three Shillings when the Tobacco shall be delivered. And the Inspectors shall, at the Court held for their County in the Month of *September*, yearly, or if there be no Court in that Month then at the next Court held for their County, lay before the Court an Account, upon Oath, of all the Transfer Receipts that were not by them taken in and received before the Time of Sale herein before mentioned, and after such Account exhibited, and Oath made, shall sell the Tobacco in such Receipts contained, deducting the Allowance for Shrinkage and Wasting, at publick Auction, at the Door of the Courthouse, between the Hours of twelve and two; and the Inspectors shall pay the Money arising by such Sale, in Satisfaction of their Receipts, from Time to Time, to the Proprietors thereof, making their Demand, under the same Penalty as is inflicted for not paying Inspectors Receipts. And all Inspectors shall keep a just and true Account of the Tobacco gained or saved upon the Allowance made for Cask or for Shrinkage of Transfer Tobacco, or otherwise, and if any Tobacco shall be so gained or saved shall exhibit an Account thereof upon Oath, in the same Manner as is before directed concerning Transfer Tobacco not received, and shall also sell the Tobacco so gained and saved in the same Manner as is directed for the Sale of Transfer Tobacco; and shall account for the Money arising by such Sale to the Treasurer of this Colony for the Time being, in their next Account with him, and the said Treasurer shall account for the same to the General Assembly. And no Inspector shall convert any Tobacco so gained or saved to his own Use.

Owners of Transfer Receipts may receive and mark Hogheads of Tobacco for satisfying such Receipts.

* Receipts not in the Roll.

Inspectors to lay an Account of all Transfer Receipts before the County Court yearly.

XLI. *AND be it further enacted, by the Authority aforesaid*, that all Inspectors shall annually, before the tenth Day of *October* in every Year, account with the Treasurer of this Colony, upon Oath, for all Monies received, or which ought to be received by them, by Virtue of this Act (except the Money paid for Nails) for every Hoghead of Transfer Tobacco; in which Account they shall be allowed their Salaries, the Rents of the Warehouses, and all other necessary Disbursements, in Pursuance of this Act.

To settle with the Treasurer the 10th of *October* yearly.

XLII. *AND be it further enacted, by the Authority aforesaid*, that no Person taking upon himself the Office of Inspector shall, during his Continuance in that Office, or within two Years after he * shall be out of his said Office, be capable of being elected a Member of the House of Burgesses, or shall presume

No Inspector to be a Member of the House of Burgesses, or Collector, or buy, &c. any Tobacco.

* Should in the Roll.

A. D. 1764.

to intermeddle or concern himself with an Election of a Burgeſs or Burgeſſes, otherwiſe than by giving his Vote, or ſhall endeavour to influence any Perſon or Perſons to give his or their Vote, under the Penalty of fifty Pounds for every Offence; neither ſhall any Inſpector, during his Continuance in that Office, be, or undertake to be, Collector of his Maſteſty's Quitrents, or any publick, County, or Pariſh Levies, or any Officer's Fees; nor ſhall, directly or indirectly, for himſelf or any other Perſon, buy or receive, by Way of Barter, Loan, or Exchange, any Tobacco whatſoever, under the Penalty of forfeiting twenty Shillings for every Hundred Pounds of Tobacco ſo bought or received.

He may receive his Rents in Tobacco.

XLIII. *PROVIDED* always, that nothing herein contained ſhall be conſtrued to hinder any Inſpector from receiving his Rents in Tobacco, which ſhall be firſt viewed, examined, and ſtamped, according to the Directions of this Act.

Not to take any Fee or Reward other than his Salary.

XLIV. *AND* for the further and better Directions of the Inſpectors aforeſaid in their Duty, *Be it enacted*, that no Inſpector ſhall take, accept, or receive, directly or indirectly, any Gratuity, Fee, or Reward, for any Thing by him to be done in Purſuance of this Act, other than his Salary, and the other Payments and Allowances herein before mentioned and expreſſed; and if any Inſpector ſhall take, accept, or receive, any ſuch Gratuity, Fee, or Reward, ſuch Inſpector, being thereof convicted, ſhall forfeit and pay the Sum of fifty Pounds current Money, to be recovered, with Coſts, by any Perſon or Perſons who ſhall inform or ſue for the ſame, by Action of Debt, Bill, Complaint, or Information, in any Court of Record within this Dominion, and moreover ſhall be diſabled from holding the Place or Office of an Inſpector during the Continuance of this Act. And if any Perſon or Perſons ſhall offer any Bribe, Reward, or Gratuity, to any Inſpector, for any Thing by him to be done in Purſuance of this Act, other than the Fees and Allowances herein before mentioned and appointed, every Perſon ſo offending, and being thereof convicted, ſhall, for every ſuch Offence, forfeit and pay the Sum of ten Pounds current Money; to be recovered in any Court of Record within this Dominion, one Half of which ſaid Forfeiture ſhall be to our Sovereign Lord the King, to and for the Uſe of ſuch Inſpector reſuſing ſuch Bribe or Reward, and the other Half to the Perſon or Perſons who will inform or ſue for the ſame.

Viewers.

XLV. *AND be it further enacted*, that when any Perſon ſhall be entitled to receive a Hogſhead of Tobacco, by Virtue of any Inſpector's Receipts, the Inſpectors ſhall be obliged to open the Hogſhead and ſhow ſuch Tobacco to the Perſon demanding the ſame, if required; and if ſuch Perſon ſhall reſuſe to accept of the Tobacco offered or tendered in Payment, as bad, unſound, and unmerchantable, ſuch Perſon ſo reſuſing ſhall make immediate Application to any three Juſtices, not being Merchants or Practitioners in Phyſick, near to the Warehouse where the Tobacco ſo reſuſed ſhall be offered or tendered in Payment, who are no Wiſe related to the Parties, nor concerned in Intereſt, and the ſaid Juſtices ſhall take an Oath before ſome other Juſtice of the ſaid County (which Oath ſuch Juſtice is hereby required to adminiſter) carefully to view and examine the ſaid Tobacco, and to the beſt of their Skill and Judgment not to paſs any Tobacco that is not ſound, well conditioned, merchantable, and clear of Traſh, according to the Directions of this Act, and that they will therein do their Duty, according to their Judgment and Conſcience, without Fear, Favour, Malice, or Partiality: Which ſaid three Juſtices ſo ſworn are hereby directed, empowered, and required, upon ſuch Application, to repair to the Warehouse, and carefully view and examine the ſame, and if they all ſhall adjudge the Tobacco ſo tendered in Payment to be bad, unſound, or unmerchantable, to cauſe the ſame to be immediately burnt; and the ſaid three Juſtices ſhall be paid for their Trouble, by the Inſpectors who offered the ſame in Payment, five Shillings each. And if the ſaid Juſtices, or any two of them, ſhall * not adjudge the ſaid Tobacco ſo tendered or offered in Payment to be bad, unſound, and unmerchantable, accord-

* Not is not in the Roll.

ing to the Directions of this Act, the said Justices shall be paid five Shillings each by the Party desiring such View. And when any Tobacco shall be tendered or offered in Payment by any Inspectors, and refused, the said Inspectors shall not be at Liberty to tender or offer in Payment, nor the Person demanding the same to receive, any Tobacco in Lieu thereof, but the Person refusing shall immediately mark the same; and if any Inspector shall offer or tender in Payment any Tobacco in Lieu of the Tobacco so refused, or shall not produce the same Tobacco so refused to the said Justices, in either Case it shall be taken for a Conviction that the Tobacco first tendered in Payment was bad, unsound, and unmerchantable, and moreover the said Inspectors shall forfeit and pay ten Pounds for every such Offence. And if the Person who shall refuse any Hoghead of Tobacco as aforesaid shall accept or receive another Hoghead of Tobacco in Lieu of that refused, he shall forfeit and pay ten Pounds for every such Hoghead.

A. D. 1764.

XLVI. *PROVIDED* always, that when any Tobacco shall be viewed by the Justices in the Manner herein before directed, and they shall adjudge the same to be good, sound, and merchantable, they shall certify the same on the Inspectors Receipt; and such Tobacco shall not be subject to a second Review, nor shall the Inspectors be obliged to give Transfer Receipts for the same.

The Viewers
to certify on
the Inspectors
Receipts that
the Tobacco is
good.

XLVII. *PROVIDED* also, that the said Justices shall have Power to view and examine the Tobacco so refused within twelve Months after the Date of the Receipts for the same, and not afterwards; any Thing herein contained to the contrary, or seeming to the contrary, notwithstanding.

View must
be within 12
Months after
Date of Re-
ceipt.

XLVIII. *AND* be it further enacted, that if any Inspector or Inspectors shall give or deliver to any Person whatsoever their Receipts for any Hoghead, or other Quantity of Tobacco, which they have not actually received into the Warehouse whereof they are Inspectors at the Time of giving such Receipts, he or they shall forfeit and pay forty Shillings for every Hundred Weight mentioned in such Receipt, and so in Proportion for a greater or lesser Quantity. And there shall be paid to the several Inspectors appointed to attend, and attending the said several Warehouses, the Salaries herein after mentioned, that is to say: To each of the Inspectors at Pitt's and Guilford's, under one Inspection, £. 25 per Annum. At Pungoteague and Nasswaddox, under one Inspection, £. 35. At Conway's, £. 45. At Roy's, £. 45. At Swinyard's, £. 25. At Kennon's, £. 30. At Bolling's Point, £. 70. At Bollingbroke, £. 50. At Hampton, £. 25. At Bowler's and Piscataway, under one Inspection, £. 30. At Hobb's Hole, £. 30. At Layton's and Port Micou, under one Inspection, £. 40. At Colchester, £. 40. At Pobick, £. 30. At Hunting Creek, £. 40. At the Falls of Potowmack, £. 30. At Gloucester Town, £. 30. At the Eastermost River, £. 30. At Deacon's Neck, £. 35. At Poropotank, £. 30. At Crutchfield's, £. 60. At Page's, £. 60. At Meriwether's, £. 45. At Warwick, £. 70. At Rocky Ridge, £. 70. At Colonel John Bolling's, £. 45. At Bermuda Hundred, £. 25. At Byrd's, £. 60. At Shockoe's, £. 70. At Four Mile Creek, on both Sides, under one Inspection, £. 25. At Smithfield and Fulgham's Point, under one Inspection, £. 35. At Warrawasqueak Bay, £. 35. At Shepherd's and Turner's, under one Inspection, £. 35. At Mantapike, £. 30. At Walkertown and Waller's, under one Inspection, £. 35. At Todd's, £. 40. At Aylett's, £. 40. At Quarles's, £. 25. At Williams's and the Piping Tree, under one Inspection, £. 30. At Bray's Church, £. 30. At Falmouth, £. 50. At Gibson's, £. 30. At Morton's, £. 30. At Dixon's, £. 50. At Davis's and Lowry's, under one Inspection, £. 30. At Dwyer's and Indian Creek, under one Inspection, £. 40. At Deep Creek, £. 30. At Kemp's, £. 35. At Urbanna, £. 30. At the Great Bridge and Kemp's Landing, under one Inspection, £. 35. At Sleepy Hole and at Wilkinson's, under one Inspection, £. 30. At Milner's, £. 35. At Constance's, £. 40. At Cherrystone and Hungar's, under one Inspection, £. 25.

Inspectors
not to give Re-
ceipt until Tob-
acco is re-
ceived.

Inspectors
Salaries.

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At *Littlepage's*, £. 35. At *Waddy's*, £. 30. At the *Brick House*, £. 30. At *Wiccocomico*, £. 40. At *Coan's*, £. 35. At *Blandford*, £. 60. At *Noble's*, £. 40. At *Quantico*, £. 65. At *Cat Point* and *Beckwith's*, under one Inspection, £. 35. At *Brokenbrough's* and *Hornby's*, under one Inspection, £. 35. At *Glasscock's*, £. 25. At *Cabin Point*, £. 50. At *Gray's Creek*, £. 35. At *Cave's*, £. 25. At *Boyd's Hole*, £. 35. At *Acquia*, £. 40. At *Fredericksburg*, £. 60. At *Royston's*, £. 60. At *Denbigh*, £. 25. At *Nomony*, £. 30. At *Machotack* and *Mattox*, £. 40. At *Yeocomico* and *Rust's*, under one Inspection, £. 40. At *Stratford Landing*, £. 25. At *Roe's*, £. 25. At *York Town*, £. 35. And at the *College Landing* and *Capitol Landing*, under one Inspection, £. 35.

The Method
of detecting
Inspectors who
shall not do
their Duty.

XLIX. AND for the better detecting of Inspectors who shall not do their Duty, and the more speedy and easy Examination into Complaints against them, *Be it further enacted*, that any two Justices of the Peace, not being Inspectors, shall have Power to hear all Complaints against any Inspector within their County, and to take the Depositions of Witnesses upon the Matter of such Complaint, on both Sides; which shall be transmitted by them to the Governour and Council, for their Determination. And to the End such Depositions may be taken in the best Manner, the Clerk of the County, or some sufficient Person by him to be appointed, shall attend the said Justices for that Purpose, and be paid by the County the same Fee as is or shall be by Law established for attending the Examination of Witnesses upon a *Dedimus Potestatem*. And, moreover, any two Justices shall have Power to visit all or any of the publick Warehouses within their County; and if they shall discover any Negligence in the Inspectors, either in securing the Tobacco, or stowing the same away in a proper Manner for saving the Room in such Houses, or that they do not keep a sufficient Number of Hands for despatching the Business, or do not attend constantly according to the Directions of this Act, or that they are guilty of any other Breach or Breaches of their Duty, the said Justices shall certify the Governour and Council thereof: And if any Inspector shall be adjudged guilty of a Breach of his Duty he shall be removed from his Office, and for ever after be incapable of serving as Inspector. And if any Inspector shall be removed from his Office, upon a Complaint and Prosecution against him in the Method by this Act prescribed, he shall be liable to the Action on the Case of the Prosecutor for his necessary Costs and Expenses in such Prosecution, in which the Prosecutor shall recover his full Costs of Suit; but if the Inspector or Inspectors shall be acquitted upon such Examination, the Prosecutor shall be liable to the Action of such Inspector or Inspectors for the Recovery of all Damages and Expenses which he or they shall have sustained or been put to by such Prosecution, and Costs, unless the Governour and Council shall certify that there was a reasonable Cause for such Complaint. And every Inspector shall, moreover, be liable to the Action of the Party grieved for all Loss and Damage that may happen or arise to any Person by Occasion of any Failure of Duty or Neglect of any such Inspector, in which Action the Plaintiff shall recover his full Costs, although the Damages do not exceed forty Shillings.

The Manner
in which Tobacco
due for
Levies, &c.
shall be paid.

L. *AND be it further enacted*, by the Authority aforesaid, that all Tobacco due, or to grow due and payable for publick, County, or Parish Levies, or for Quitrents, or for Secretary's, Clerks, Sheriffs, Surveyors, or other Officers Fees, shall be paid and discharged by Transfer Receipts, in the following Manner, that is to say: All Levies and Quitrents shall be paid in some Warehouse in the County where such Levies are laid and Lands chargeable with such Quitrents lie, and all Officers Fees in the County where the Person chargeable therewith lives, except such Person shall have a Plantation, with Slaves thereon, in the County where the Service is performed, and then all Fees (except Secretary's Fees) shall be paid in such County; but the said Levies, Quitrents, and Fees, due and payable in any County where no publick Warehouse is established, shall be paid at some Warehouse in the next adjacent County.

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The Counties
in which In-
spectors Re-
ceipts are pay-
able.

LI. *PROVIDED* always, that the Receipts of the Warehouses hereafter mentioned shall pass in Payment of all Quitrents, Levies, and Officers Fees, payable in the Counties following, that is to say: In the County of *Accomack*, *Cherrystone*, *Hungar's* and *Nasswaddox*; in the County of *Albemarle*, *Crutchfield's*, *Page's*, *Fredericksburg*, *Royston's*, *Meriwether's*, *Rocky Ridge*, *Shockoe's*, and *Byrd's*; *Amelia*, *Blandford*, *Bolling's Point*, *Bollingbroke*, *John Bolling's*, *Rocky Ridge*, *Warwick*, *Osborne's*, and *Bermuda Hundred*; *Amberst*, *Byrd's*, *Shockoe's*, *Crutchfield's*, *Page's*, and *Rocky Ridge*; *Bedford*, *Shockoe's*, *Byrd's*, *Rocky Ridge*, and *Warwick*; *Brunswick*, *Blandford*, *Bolling's Point*, *Bollingbroke*, *John Bolling's*, *Cabin Point*, and *Noble's*; *Buckingham*, *Shockoe's*, *Byrd's*, *Warwick*, and *Rocky Ridge*; *Caroline*, *Aylett's*, *Layton's*, *Micou's*, and *Todd's*; *Culpeper*, *Dixon's*, *Falmouth*, *Fredericksburg*, and *Royston's*; *Cumberland*, *Byrd's*, *Shockoe's*, *Rocky Ridge*, *Warwick*, and *Osborne's*; *Dinwiddie*, *John Bolling's*, *Blandford*, and *Noble's*; *Elizabeth City*, *Roe's*; *Fauquier*, *Falmouth*, *Dixon's*, *Quantico*, and *Acquia*; *Gloucester*, *Kemp's*; *Goochland*, *Shockoe's*, *Byrd's*, *Crutchfield's*, *Page's*, and *Rocky Ridge*; *Halifax*, *Blandford*, *Bolling's Point*, *Bollingbroke*, *John Bolling's*, *Osborne's*, *Warwick*, and *Rocky Ridge*; *James City*, *Brick House*, *Littlepage's*, and *Capitol Landing*; *Isle of Wight*, *Wilkinson's*, and *Milner's*; *King William*, *Meriwether's*, *Page's*, and *Crutchfield's*; *Lancaster*, *Indian Creek*; *Loudoun*, at any of the Warehouses in *Fairfax* and *Prince William*; *Louisa*, *Fredericksburg*, *Royston's*, *Crutchfield's*, *Page's*, *Meriwether's*, *Byrd's*, and *Shockoe's*; *Lunenburg*, *Blandford*, *Bolling's Point*, *Bollingbroke*, *John Bolling's*, *Osborne's*, *Warwick*, and *Rocky Ridge*; *Norfolk*, *Kemp's*, and of any of the Warehouses in *Nansemond* and in *Elizabeth City*; *Northampton*, *Guilford*, *Pitt's*, and *Pungoteague*; *Northumberland*, *Yeocomico*, and *Rust's*; *Prince Edward*, *Blandford*, *Bolling's Point*, *Bollingbroke*, *John Bolling's*, *Warwick*, *Osborne's*, *Rocky Ridge*, *Shockoe's*, and *Byrd's*; *Prince George*, *Bermuda Hundred*, *Bolling's Point*, *Bollingbroke*, *John Bolling's*, and *Cabin Point*; *Prince William*, *Acquia*, and *Colchester*; *Princess Anne*, *Great Bridge*, and of any of the Warehouses in *Nansemond* and *Elizabeth City*; *Southampton*, *Cabin Point*, *Noble's*, *Gray's Creek*, *Smithfield*, *Milner's*, and *Warrasqueak*; *Spotsylvania*, *Conway's*, *Stafford*, *Falmouth*, *Machotick*, *Morton's*, *Gibson's*, and *Quantico*; *Surry*, *Blandford*, *Noble's*, *Smithfield*, and *Warrasqueak*; *Suffex*, *Blandford*, *Bolling's Point*, *Bollingbroke*, *John Bolling's*, *Cabin Point*, *Gray's Creek*, and *Noble's*; *Warwick*, *Roe's*, and *York*; *Westmoreland*, *Bray's Church*, and *Gibson's*; *York*, at the *College Landing*; *Charlotte*, *Rocky Ridge*, *Warwick*, *Osborne's*, *John Bolling's*, *Robert Bolling's*, *Bollingbroke*, and *Blandford*; *Mecklenburg*, *Rocky Ridge*, *Warwick*, *Osborne's*, *John Bolling's*, *Robert Bolling's*, *Bollingbroke*, and *Blandford*.

The Abated
ments to the
Payer.

LII. *AND* be it further enacted, that out of every Hundred Pounds of Tobacco paid in Discharge of Quitrents, Secretary's, Clerks, Sheriffs, Surveyors, or other Officers Fees, and so proportionably for a greater or lesser Quantity, there shall be made the following Abatements or Allowances to the Payer, that is to say: For Tobacco due in the Counties of *Amelia*, *Albemarle*, *Amberst*, *Brunswick*, *Bedford*, *Ruckingham*, *Culpeper*, *Cumberland*, *Goochland*, *Halifax*, *Louisa*, *Lunenburg*, *Orange*, *Charlotte*, and *Mecklenburg*, thirty Pounds of Tobacco; for Tobacco due in the Counties of *Dinwiddie*, *Fauquier*, *Loudoun*, *Princess Anne*, *Southampton*, and *Suffex*, twenty Pounds of Tobacco; for Tobacco due in the Counties of *Caroline*, *Chesterfield*, *Henrico*, *Hanover*, *Norfolk*, *Nansemond*, *Prince William*, and *Spotsylvania*, fourteen Pounds of Tobacco; for Tobacco due in the Counties of *Accomack*, *Charles City*, *Elizabeth City*, *Essex*, *Fairfax*, *Gloucester*, *James City*, *Isle of Wight*, *King George*, *King and Queen*, *King William*, *Lancaster*, *Middlesex*, *New Kent*, *Northumberland*, *Northampton*, *Prince George*, *Richmond*, *Stafford*, *Surry*, *Warwick*, *Westmoreland*, and *York*, ten Pounds of Tobacco.

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Where the Person chargeable with Fees lives in another County.

* Fees not in the Roll.

LIII. *PROVIDED* always, that where any Person chargeable with Officers * Fees (except the Secretary's Fees) lives in another County than where the Service is performed, or the Fees become due, the same Allowance shall be made to every such Person as is by Law settled to be allowed in that County where the Service is performed, or the Fees become due.

The Allowances to be made on the Payment of publick, County, and Parish Levies.

LIV. AND for preventing all Mistakes and Controversies concerning the Allowances to be made upon the Payment of publick, County, or Parish Levies, *Be it enacted*, that the Levies aforesaid shall be all laid in neat Tobacco, and the Abatement which ought to be made out of every Creditor's Claim for Convenience shall be deducted out of such Claim at the Time of laying the said Levies, which Abatements are hereby settled and declared to be the same as are before mentioned and directed to be allowed upon Payment of Quitrents and Officers Fees; but where any Creditor by Law or Contract ought to be paid with Convenience, in that Case no Abatement shall be made to the People by the Collectors thereof; and where any Tobacco ought to be paid with Cash, there shall be levied four *per Cent.* for Cash, and no more; and there shall be also levied in all the said Levies six *per Cent.* for collecting the same, and no more, which shall be paid and allowed to the respective Collectors of the said Levies. And for all Tobacco paid and discharged in Inspectors Receipts for Quitrents, Secretary's, Clerks, Sheriffs, Surveyors, and other Officers Fees, to the Persons entitled to receive the same, there shall be paid and allowed by such Persons to the Sheriff or Collector six Pounds of Tobacco for every Hundred Pounds of Tobacco so paid, and so proportionably for a greater or lesser Quantity; and the said Sheriff, or other Collector, is hereby empowered to retain the same in his Hands: And the Sheriff, or other Collector of the Levies, Quitrents, and Fees aforesaid, shall pay and discharge the same by the same Receipts which they shall receive in Payment thereof.

The Deductions to be made by Clerks of Courts in the Bills of Costs.

LV. *AND be it further enacted*, that during the Continuance of this Act the Clerk of the General Court, and of every County Court, in taxing the Costs of any Judgment or Decree obtained or to be obtained, shall deduct out of the said Costs the same Allowance for Convenience as shall or ought to be made and allowed to the Party first charged with the Fees so taxed in the Bill of Costs by the respective Officers, and Execution shall issue for no more than the said Costs amount to after the said Deduction.

Levies, &c. to be paid before the 10th of April yearly.

LVI. *AND be it further enacted*, that all publick, County, and Parish Levies, Quitrents, Secretary's, Sheriffs, Clerks, Surveyors, and other Officers Fees, payable in Tobacco, shall be paid and satisfied by the Persons chargeable with and indebted for the same to the Sheriffs, or other Collectors, by Transfer Receipts, before the tenth Day of *April* yearly; and if any Person chargeable with the Levies, Quitrents, and Fees aforesaid, shall neglect or refuse to pay the same within the Time aforesaid, it shall and may be lawful to and for the Sheriffs, and other Collectors, immediately after the said tenth Day of *April*, to distrain the Goods and Chattels of the Person or Persons so neglecting and refusing, and to sell and dispose thereof for Tobacco, in the same Manner as is directed by Law for Goods taken in Execution, and the Overplus (if any be) after paying the several Levies, Quitrents, and Fees, and the Charge of Distress, which is hereby declared to be the same as for serving an Execution, shall be returned to the Debtor.

Goods distrained for Nonpayment of Quitrents may be discharged by Payment of the Money due, otherwise to be sold.

LVII. *PROVIDED* always, that where any Goods or Chattels shall be distrained for Nonpayment of Quitrents, the same shall be redeemed by the Payment of Money for so much as the said Quitrents amount to; and if not redeemed, the Sheriff shall sell the same for Money accordingly. And the Sheriffs, or other Collectors of the said Levies and Fees, shall, before the last Day of *May* yearly,

pay and deliver to each Creditor, according to their respective Debts or Claims, all the Inspectors Receipts he or they have received in Satisfaction thereof; and if any Sheriff, or other Collector, shall refuse or delay to make Payment accordingly, if required, he or they so refusing or delaying shall forfeit and pay to the Party grieved double the Value of the Tobacco so refused or delayed to be paid, to be recovered, with Costs, in any Court of Record within this Dominion, if the Debt due exceeds two Hundred Pounds of Tobacco, and before any Justice of the Peace, if the Debt be two Hundred Pounds of Tobacco, or under.

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LVIII. *AND be it further enacted*, that if any of the Warehouses herein before mentioned shall happen to be burnt the Loss sustained thereby shall be made good and repaired, to the several Persons injured, by the General Assembly, at the next Session after such Loss; and in Case of such Accident no Inspectors shall be sued or molested for or by Reason of any Receipts by them given for any Tobacco burnt in the said Warehouses, but shall be altogether acquitted and discharged of and from the Payment of the Tobacco in such Receipts mentioned, any Thing herein before contained to the contrary notwithstanding.

Where Warehouses are burnt.

LIX. *PROVIDED always*, that if the Receipts for Tobacco so burnt or destroyed shall be of an older Date than twelve Months the Tobacco shall not be paid for by the Publick, but the Owner or Proprietor thereof shall bear the Loss.

Receipts burnt of an older Date than 12 Months not paid for by the Publick.

LX. *AND be it further enacted*, that the Inspectors shall not suffer or permit the Proprietor, or any other Person, to make Use of the Warehouse at which they are Inspectors. And if any Warehouse shall hereafter happen to be burnt the Loss sustained thereby shall be made good and repaired, to the several Persons injured, by the General Assembly, at the next Session after such Loss, as is hereby directed; but if it appears that such Warehouse was burnt by Means of the Inspectors permitting the Proprietor, or any other Person, to make Use thereof, such Inspectors shall repay to the Treasurer of this Colony all such Sum or Sums of Money as shall have been paid to the Persons so injured.

Proprietor not to make Use of a Warehouse.

LXI. *AND be it further enacted, by the Authority aforesaid*, that if any Person shall hereafter make any Fire within any publick Warehouse, or without Doors, near to such House, other than the Squares or Funnel, such Person, if a Freeman, shall for every such Offence forfeit and pay the Sum of ten Shillings, to be recovered before any Justice of the Peace of the County wherein such Offence shall be committed, by the Informer, for his own Use; and if a Servant or Slave, he or she shall, by Order of any Justice within such County, receive on his or her bare Back ten Lashes for every such Offence.

Penalty on Persons making Fires near a Warehouse.

LXII. *AND* whereas many Persons attending several of the publick Warehouses, under the Denomination of Tobacco Pickers, to be employed in picking the Tobacco refused by the Inspectors, are guilty of great Frauds, Impositions, and Abuses therein: For Remedy whereof, *Be it enacted, by the Authority aforesaid*, that the Courts of the several Counties of *Henrico, Chesterfield, Dinwiddie, Prince George, Fairfax, Prince William, Stafford, King George, Spotsylvania, Hanover, and Surry*, shall, and they are hereby empowered to nominate and appoint, in the Month of *August* or *September* annually, such and so many Persons as to them shall seem necessary, who are willing to undertake the same, to attend the respective Warehouses within their County, to sort, separate, and pick, such Tobacco as shall be refused by the Inspectors; and every Person so appointed a Picker shall make Oath before the Court at the Time of his Appointment, or at the next succeeding Court, that he will lawfully and diligently, without Fraud or Embezzlement, sort and separate all such Tobacco as shall be refused by the Inspectors, and the Owner or Proprietor thereof shall employ him to pick. And if any Person so to be appointed a Tobacco Picker shall, by demanding or exact-

Pickers; 1

T t t t t

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ing an extravagant Price for his Services, or in any other Manner misbehave himself in his said Office, it shall be lawful for the Court of the County where such Picker shall be appointed, on Complaint and Motion to them made, to remove such Picker from his said Office, and to appoint another Person to act in his Room, if to them it shall seem necessary; and every Picker so removed shall for ever after be rendered incapable of serving as a Picker at any publick Warehouse, provided that such Picker shall have ten Days previous Notice of such Motion. And if any Person, not being appointed and sworn as aforesaid, shall presume to undertake the picking, sorting, or separating, any such Tobacco for Hire or Reward, every such Person so offending shall forfeit and pay twenty five Shillings for every such Offence; to be recovered by the Informer, to his own Use, before any Justice of the Peace.

Owners may
pick their own
Tobacco.

LXIII. *PROVIDED* nevertheless, that nothing herein mentioned shall extend, or be construed to extend, to prohibit the Owner or Proprietor of any such refused Tobacco from sorting, separating, or picking the same with his or her own Servants or Slaves.

Receipts to
be issued for
Tobacco saved
by picking.

LXIV. *AND* be it further enacted, that the Inspectors shall issue Receipts for all Tobacco saved by picking to the Proprietors only of such Tobacco, and not to the Pickers of the same; and that the Inspectors shall not suffer or permit any Picker to prize up any Tobacco, that he shall have saved by picking, for his own Use.

Inspectors to
keep a Book,
&c.

LXV. *AND* to the Intent that a just Quantity of Tobacco exported may be more exactly known, and all evil Practices to defraud his Majesty of his Customs prevented, *Be it enacted, by the Authority aforesaid,* that all Inspectors shall carefully enter in a Book, to be provided and kept for that Purpose, the Marks, Numbers, Gross, neat Weight, and Tare, of all Tobacco viewed and stamped by them as aforesaid, and in what Ship or Vessel the same shall be laden or put on Board; and shall also, with every Sloop Load or Boat Load of Tobacco, send a List of the Marks, Numbers, gross, neat Weight, and Tare, of every Hoghead of Tobacco then delivered, to be given to the Master of the Ship or Vessel in which the same shall be put on Board; and if the Tobacco delivered to the same Sloop or Boat is intended to be put on Board several Ships or Vessels, then they shall deliver so many distinct and several Lists as aforesaid of the Hogheads to be put on Board such Ship or Vessel respectively, which Lists every Master of a Ship or Vessel is required to produce to, and lodge with, the Naval Officer of the District where the Ship or Vessel whereof he is Master shall ride, or by whom he shall be cleared, some Time before her Clearance.

Relanded
Tobacco.

LXVI. *BUT* whereas it may happen that the Ship in which such Tobacco was intended to be put may be so full as not to be able to stow all the Tobacco contained in such List, in such Case it shall and may be lawful to ship the said Tobacco, or any Part thereof, on Board any other Ship or Ships where the Owner thereof shall think fit, the Masters of such Ships endorsing on the said Lists the Marks and Numbers of the respective Hogheads by them taken on Board, and giving Notice to the Inspectors of the Warehouse from whence the same was brought; or if there be no Ship to receive the said Tobacco, then it shall and may be lawful for the Master of the first mentioned Ship or Vessel to put the said Tobacco into any Warehouse in the District where such Ship shall ride, giving immediate Notice thereof to the Inspectors who stamped the same; and the Inspectors of that Warehouse where such Tobacco shall be delivered shall receive from the Persons relanding such Tobacco eightpence for every Hoghead so relanded, and shall give a Receipt for the same, which Money so received by the Inspectors shall be accounted for, and paid, to the Person or Persons entitled to the Rent of the said Warehouse.

Inspectors to
receive 8d. for
every Hoghead
relanded, and
to give Receipt.

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No Inspector
to receive To-
bacco relanded
unless the Ship
actually in the
Colony.

LXVII. *PROVIDED nevertheless*, that no Inspector shall receive any Hogthead of Tobacco which shall be offered to be relanded into the Warehouse whereof he is Inspector, unless it shall appear to him that the Ship, or other Vessel wherein the same was intended to be shipped, was actually in the Colony at the Time the Tobacco was taken from the Warehouse where the same was inspected; and shall cause the said Tobacco to be safely lodged, and delivered to the Order of the Owner thereof whenever he or she shall think fit to ship it off, and that without Fee or Reward.

Felony to
forge Inspector's
Receipt, or to
pack any To-
bacco in a
stamped Cask.

LXVIII. *AND be it further enacted*, that if any Person whatsoever shall forge or counterfeit the Stamp or Receipt of any Inspector, or tender in Payment any such forged or counterfeited Receipt, knowing it to be such, or export, or cause to be exported, any Hogthead or Cask of Tobacco stamped with a forged or counterfeited Stamp, or demand Tobacco of any Inspector upon any such forged or counterfeited Receipt, knowing such Receipt, or such Stamp, to be forged and counterfeited, being thereof convicted, shall be adjudged a Felon, and shall suffer Death as in Case of Felony, without the Benefit of Clergy; or if any Person shall put or pack into any Hogthead or Cask of Tobacco, stamped by any Inspector, any Tobacco whatsoever, or shall draw or take out any Stave, Plank, or Heading Board, so stamped as aforesaid, of any Hogthead or Cask of Tobacco, after such Hogthead or Cask of Tobacco shall be delivered out from any of the publick Warehouses aforesaid, every Person so offending, and being thereof convicted by due Course of Law, shall be adjudged a Felon, and shall suffer as in Case of Felony.

Method to be
taken where
Receipts are
lost.

LXIX. *AND be it further enacted, by the Authority aforesaid*, that if any Inspectors Receipts be casually lost, mislaid, or destroyed, the Person or Persons entitled to receive the Tobacco by Virtue of any such Receipt shall make Oath before a Justice of the Peace of the County where the same is payable to the Number and Date of every such Receipt, to whom and where payable, and for what Quantity of Tobacco the same was given, and that such Receipt is lost, mislaid, or destroyed, and that he, she, or they, at the Time such Receipt was lost, mislaid, or destroyed, was lawfully entitled to receive the Tobacco therein mentioned, and shall take a Certificate thereof from such Justice; and upon producing a Certificate of such Oath to the Inspectors who signed such Receipt, and * lodging the same with them, the Inspectors shall, and are hereby directed to pay and deliver to the Person obtaining such Certificate the Tobacco for which any such Receipts were given (if the same, or any Part thereof, shall not have been before by them paid by Virtue of the said Receipts) and shall be thereby discharged from all Actions, Suits, and Demands, on Account of such Receipts. And if any Person shall be convicted of making a false Oath, or producing a forged Certificate, in the Case aforesaid, he shall forfeit and pay twenty Shillings for every Hundred Pounds Weight of Tobacco contained in such Certificate; and moreover, upon Conviction thereof, shall suffer as in Case of wilful and corrupt Perjury.

* Lodged in
the Roll.

Penalty for
making a false
Oath, or pro-
ducing forged
Certificate.

LXX. *AND be it further enacted*, that when any new Inspectors shall be appointed at any of the said Warehouses such Inspector or Inspectors shall, and they are hereby required to give to the Person or Persons whom they shall succeed a Receipt, with his or their Hands subscribed, containing the Numbers, Marks, tare, gross, and neat Weight, of all and every Hogthead or Cask of Tobacco which shall be then remaining at the Warehouse or Warehouses at which they are appointed Inspectors, with the Delivery and Payment of which said Hogtheads or Casks of Tobacco so remaining he or they shall from thenceforth be chargeable and liable; but he or they shall in no Wise be accountable or answerable for the Loss of Weight, or for Quality, of Tobacco contained in any Hogthead for which such Receipt was by him or them so as aforesaid given.

Where new
Inspectors ap-
pointed to give
a Receipt to
the Person they
succeed.

A. D. 1764.

Inspectors
not liable to
Action for To-
bacco after De-
livery thereof
for Exporta-
tion.

Inspectors to
permit Persons
to make Use of
the Prizes for
picked and light
Crop Tobacco.

Rules to be
observed in
using the Pri-
zes.

* Repacked
not in Roll.

Reward for
repacking and
prizing.

Inspectors
shall not make
Use of Draught
or Sample.

Shall, if re-
quired, alter the
Mark or Num-
ber of any
Hogshead.

To keep a
Wastebook to
enter Marks
and Numbers
of Tobacco re-
ceived.

Another to
enter Marks
and Numbers
when delivered.

Obliged to
prize Tobacco
under 950 to
that Weight,
and to give a
Receipt to the
Overseer in the
Owner's Name.

Inspectors to
give Receipt
for uninspected
Tobacco on the
Delivery, if re-
quired.

And if any Hogshead or Cask of Tobacco shall hereafter be received by any Person or Persons whatsoever, and delivered out of any of the said Warehouses for Exportation, by the Inspector or Inspectors attending the same, such Inspector or Inspectors, from the Time of such Delivery, shall be for ever discharged and acquitted from all Actions, Costs, and Charge, for or by Reason of the Tobacco contained in any such Hogshead or Cask being unsound and unmerchantable, or of less Quantity than the Receipts given for the same, any Thing herein before contained to the contrary notwithstanding. And when any prized Tobacco shall be brought to any publick Warehouse, in Order to be shipped on Freight, and the Inspectors there attending shall refuse to pass such Tobacco, unless such as shall be bad and unmerchantable shall be picked and separated from the rest, or where any light Crop Tobacco shall hereafter be brought to any of the said Warehouses, in either Case the said Inspectors, if required, shall permit the Owner, or other Person bringing such Tobacco, to make Use of one or more of their Prizes, for the repacking, prizing, or making heavier such Tobacco, without Fee or Reward; and if there shall be several Hogsheads of Tobacco, belonging to several Owners, to be picked, repacked, prized, or made heavier, at any publick Warehouse, the Owner, or other Person bringing the same, whose Tobacco shall be first viewed and refused, or found light, shall be first permitted and allowed to make Use of such Prize or Prizes; and the same Rules shall be observed in the prizing all Tobacco which shall be picked, * repacked, prized, or found light, as aforesaid. And for all Tobacco repacked and prized by the Owner thereof, or the Servants and Slaves to him belonging, there shall be paid to the Inspectors thereof only three Shillings for stamping, and for all Tobacco repacked and prized by the Inspectors five Shillings for each Hogshead, and also eightpence for Nails, unless the Proprietor shall find and provide Nails; and no Inspector shall take, or convert to his own Use, or otherwise dispose of, any Draughts or Samples of Freight or Crop Tobacco, but the same (if fit to pass) shall be put into the Hogshead out of which it was drawn, under the Penalty of forfeiting twenty Shillings for every Draught so taken away contrary to the Directions of this Act, to be recovered before any Justice of the Peace of the County wherein such Offence shall be committed. And all Inspectors, if required, shall alter the Mark and Number of any Hogshead of Tobacco for which they have before given a Receipt; and, for preventing Confusion and Mistakes, shall keep a Wastebook, in which shall be entered the Marks and Numbers of all Hogsheads of Tobacco received by them, and another Book, in which shall be entered the Marks and Numbers thereof when the same shall be delivered out by them. And all Inspectors, when required, shall be obliged to prize any Hogshead of Tobacco under nine Hundred and fifty Pounds neat, so as to make it up that Weight; but shall receive the same Fee upon such Hogshead as for Transfer Tobacco, and may make the lawful Abatement of the Tobacco prized in. And where any Tobacco shall be brought to any Warehouse by the Overseer of the Owner thereof, the Inspectors shall give Receipts in the Name of the Owner, and not of the Overseer.

LXXI. *AND be it further enacted, by the Authority aforesaid, that the Inspectors of Tobacco at the several Warehouses within this Colony shall, immediately on the Delivery of every Hogshead of Tobacco at the Warehouses whereof they are Inspectors, give a Receipt for such Tobacco, if required by the Proprietor or Person bringing the same to the said Warehouses, expressing therein that the same is for uninspected Tobacco.*

LXXII. *AND whereas by one Act of Assembly, made in the twentieth Year of the Reign of his said late Majesty, intituled An Act for granting an Aid to his Majesty, for the better Protection of this Colony, and for other Purposes therein mentioned, a Duty of two Shillings was imposed for every Hogshead of Tobacco passed and delivered out at and from the several Warehouses in this Colony between the twentieth Day of October then next following and the*

twentieth Day of *October* in the Year one Thousand seven Hundred and sixty four, and by another Act, made in the thirty second Year of the Reign of his said late Majesty, intituled *An Act for granting an Aid to his Majesty, for the better Protection and Defence of this Colony, and for other Purposes therein mentioned*, the like Duty of two Shillings was imposed for every Hoghead of Tobacco so to be passed and delivered between the said twentieth Day of *October* one Thousand seven Hundred and sixty four and the twentieth Day of *October* one Thousand seven Hundred and sixty seven, and by another Act, made in the thirty third Year of the Reign of his said late Majesty, intituled *An Act for granting the Sum of ten Thousand Pounds, for the further Protection of this Colony*, the like Duty of two Shillings was imposed for every Hoghead of Tobacco so to be passed and delivered between the said twentieth Day of *October* one Thousand seven Hundred and sixty seven and the twentieth Day of *October* one Thousand seven Hundred and sixty nine, which Duties the Inspectors at the several Warehouses are by the said Acts directed and required to receive, account for, and pay to the Treasurer of this Colony, without Fee or Reward, which is found to be very unreasonable: *Be it further enacted, by the Authority aforesaid*, that from and after the passing of this Act the said Inspectors shall be allowed in their Accounts to be settled with the Treasurer for the said Duties five *per Centum* on the Amount thereof, as a Salary for their Trouble in receiving, accounting for, and paying the same.

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Five *per Centum* allowed the Inspectors for receiving the Duty of 2 s. per Hoghead.

LXXIII. *AND be it further enacted, by the Authority aforesaid*, that all the Penalties and Forfeitures in this Act contained, and not herein before particularly appropriated, shall be one Moiety to our Sovereign Lord the King, his Heirs and Successors, to be applied towards defraying the Charges of the Execution of this Act, and the other Half for the Person who shall inform or sue for the same; and shall and may be recovered, with Costs, by Action of Debt or Information, in any Court of Record within this Dominion, where the Penalty or Forfeiture exceeds twenty five Shillings, or two Hundred Pounds of Tobacco, and where the same does not exceed those Sums before any Justice of the Peace for the County where the Offence shall be committed.

How the Penalties are to be recovered and applied.

LXXIV. *BE it further enacted, by the Authority aforesaid*, that all Penalties and Forfeitures laid and imposed by any of the Laws in Force at the Time of passing this Act, and all Breaches and Offences against the same, shall and may be sued for and prosecuted, and Judgments given in such Suits and Prosecutions, notwithstanding the said Laws shall be expired at the Time of the Prosecutions begun, or Judgments given, in the same Manner as such Suits and Prosecutions might have been commenced, and Judgments given, in Case the said Laws were not expired; any Law, Statute, Custom, or Usage, to the contrary thereof, in any Wise notwithstanding.

Suits to be commenced and prosecuted notwithstanding an Expiration of the Laws.

LXXV. *AND be it further enacted, by the Authority aforesaid*, that when any Action shall be commenced and prosecuted against any sea-faring Person, founded on this or the before recited Act, such Person shall not be admitted to appear to such Action until he or they shall have given special Bail; any Law, or Custom, to the contrary notwithstanding.

Seafaring Men to give Bail.

LXXVI. *AND be it further enacted, by the Authority aforesaid*, that all and every Act and Acts heretofore made, as to so much thereof as is within the Purview of this Act, be, and the same is repealed.

LXXVII. *AND be it further enacted*, that this Act shall commence and be in Force from and after the first Day of *October* next, and * shall continue for and during the Term of two Years.

* Shall commence not in the Roll.

A. D. 1764.

C H A P. V.

An Act for continuing the Act for appointing an Agent, and two other Acts therein mentioned. (a)

* Twenty in the Roll.

I. **W**HEREAS the Act of the General Assembly made in the thirty second Year of the Reign of his late Majesty King George the Second, intituled *An Act for appointing an Agent*, and which was explained and amended by another Act passed in the * thirty fourth Year of his said late Majesty's Reign, together with another Act, made in the third Year of his present Majesty's Reign, intituled *An Act for adding sundry Persons to the Committee appointed to correspond with the Agent of this Colony*, will expire on the fourteenth Day of April one Thousand seven Hundred and sixty six, and it being thought necessary that the said Act should be continued:

II. *BE it therefore enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that the said three recited Acts of Assembly shall continue and be in Force, from and after the Expiration thereof, for and during the Term of five Years from thence next following, and no longer.*

C H A P. VI.

His Majesty gave his Assent to this Act, June 26, 1767.

An Act for amending and declaring the Law concerning the Escape of Debtors out of the Prison Rules, and for other Purposes therein mentioned. (b)

Sheriff to apply for an Escape Warrant.

To give Notice and to assign Bond for Prison Rules to the Creditor.

I. **W**HEREAS many Controversies and Disputes have arisen concerning the Duty of Sheriffs upon Prisoners in Execution for Debt escaping and going at large out of the Prison Rules, where they have obtained the Liberty of the same by giving Bond and Security according to the Directions of the Laws now in Force concerning the same: For settling and establishing a certain Method of proceeding in such Cases for the future, may it please your Most Excellent Majesty that it may be enacted, *and be it enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that when any Person in Execution as aforesaid who shall have obtained the Liberty of the Prison Rules, by giving Bond and Security for the same as aforesaid, shall hereafter escape and go out of the same, the Sheriff of the County where such Prisoner was in Custody shall, and he is hereby required, immediately to apply to a Justice of the Peace for an Escape Warrant to retake such Prisoner, according to the Directions of the Act of Assembly made in the twenty second Year of the Reign of his late Majesty King George the second, intituled *An Act prescribing the Method of appointing Sheriffs, and for limiting the Time of their Continuance in Office, and directing their Duty therein*; and such Sheriff shall, and he is hereby required, immediately to give Notice thereof to the Creditor at whose Suit he was in Custody, or to his Attorney or Agent, and shall assign over and deliver to such Creditor, or his Attorney, the Bond by him taken for the Liberty of the Prison Rules, who shall be obliged to receive the same, and thereupon it shall and may be lawful for such Creditor, or his Attorney, to pursue the Method directed by the herein before recited Act for re-*

(a) See 32 Geo. 2. (1759) Cap. 2.

(b) See 22 Geo. 2. (1748) Cap. 6. prescribing the Method of appointing Sheriffs, &c. also Cap. 8. declaring the Law concerning Executions, &c. with the Notes to both.

taking such Debtor upon the Escape Warrant aforesaid, and if he be retaken thereupon, and committed to Gaol, the Securities for his keeping the Prison Rules shall be discharged from their Bond, or such Creditor, or his Attorney, shall or may, at their Election, commence and prosecute an Action or Suit at Law against the Security or Securities named in such Bond for the Recovery of his Debt, notwithstanding he shall have applied for and obtained an Escape Warrant against his Debtor as aforesaid, if such Debtor is not retaken and committed to Gaol thereupon. And the Sheriff shall not be liable or answerable for the Payment of the Debt for which such Prisoner was in Custody, unless the Security or Securiteis named in the Bond by him taken of such Prisoner for the Liberty of the Prison Rules shall afterwards be found to have been insufficient for the Payment of such Debt at the Time the same was taken.

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II. AND whereas it hath been doubted what Proceedings might be had, pursued, or taken, against a Coroner for Neglect or Breach of Duty, when employed in the Execution of civil Process to him directed: *Be it further enacted, by the Authority aforesaid*, that if any Coroner shall hereafter fail or neglect to execute and make due Return of any Writ or other Process to him legally issued and directed within his County, or shall make false Return thereof, or shall fail or neglect to return any Writ of Execution to the Office from whence the same shall issue, at or before the Day of the Return thereof, or if any Coroner shall make Return upon any Writ of *Fieri Facias*, or *Venditioni Exponas*, that he hath levied the Debt, Damages, and Costs, as in such Writ is required, or any Part thereof, and shall not immediately pay the same to the Party to whom the same is payable, or his Attorney, or shall return upon any Writ of *Capias ad Satisfaciendum*, or Attachment, for not performing a Decree in Chancery for Payment of any Sum of Money or Tobacco, that he hath taken the Body or Bodies of the Defendant or Defendants, and hath the same ready to satisfy the Money and Tobacco in such Writ mentioned, and shall actually have received such Money or Tobacco of the Defendant or Defendants, or have suffered him, her, or them, to escape with his Consent, and shall not immediately pay such Money or Tobacco to the Party to whom the same is payable, or his Attorney, that then, or in either of the said Cases, such Coroner shall be subject and liable to the like Penalties and Forfeitures, and also to the same Judgments and Executions, to be recovered in the same Manner as by the several Acts of Assembly of this Colony are imposed, directed, and prescribed, against Sheriffs for the like Breaches or Neglect of Duty; any Law, Usage, or Custom, to the contrary thereof, in any Wise notwithstanding.

Coroner liable
for Breach of
Duty as Sheriff.

III. AND for explaining and enlarging the Power of the several County Courts of this Colony concerning the Bounds and Rules of their respective County Prisons, *Be it further enacted, by the Authority aforesaid*, that the Justices of every County shall be, and they are hereby empowered and required to mark and lay out the Bounds and Rules of their respective County Prisons, not exceeding ten, nor less than five Acres of Land, adjoining to such Prison, which Marks and Bounds shall be recorded, and shall and may be altered and renewed from Time to Time, as Occasion shall require, or as the said Justices shall think fit.

County Courts
to lay out Prison
Rules.

IV. AND whereas Doubts have arisen whether special Bail have a right to surrender their Principal at any Time before Judgment, and also in what Manner they are to discharge themselves by such Render after Judgment, and before Execution is sued out: *Be it therefore further enacted, by the Authority aforesaid*, that it shall and may be lawful for the special Bail in any Suit depending at the Time of the Commencement of this Act, or thereafter to be brought in any Court of Record in this Colony, to surrender the Principal before the Court where such Suit shall be depending, at any Time before Judgment shall be given in such Suit, and thereupon the Bail shall be discharged, and the Defendant or Defendants shall be committed to the Custody of the Sheriff or Gaoler attending such Court,

How special
Bail may sur-
render the Prin-
cipal.

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if the Plaintiff or his Attorney shall desire the same, or such special Bail may discharge themselves by surrendering the Principal to the Sheriff of the County where the original Writ was served, and such Sheriff is hereby required to receive such Defendant, and commit him or her to the common Gaol of his County, and shall give a Receipt for the Body or Bodies of such Defendant or Defendants, which shall be by the Bail forthwith delivered to the Clerk of the Court where the Suit is depending. And in either Case such Proceedings shall be had against such Defendant or Defendants in Custody as if he or they had been committed, or remained in Custody, for Want of Bail.

V. *AND be it further enacted*, that where the special Bail, in any Action or Suit in which Judgment hath been or shall be given, are or shall be entitled to discharge themselves by surrendering the Principal, it shall and may be lawful for such Bail to make such Surrender either before the Court where Judgment was obtained, or to the Sheriff of the County where the original Writ in such Suit was served, and thereupon the Bail shall be discharged.

VI. *PROVIDED always, and be it further enacted*, that where such Render after Judgment shall be to the Sheriff he shall receive and keep such Principal in his Gaol and Custody, in the same Manner, and subject to the like Rules, as are provided for Debtors committed in Execution during the Space of twenty Days, unless the Creditor, his Attorney, or Agent, shall sooner consent to his or her Discharge; and such Sheriff shall give a Receipt for the Body of such Debtor to the Bail, who shall give immediate Notice thereof to the Creditor, his Attorney, or Agent. And if within the said twenty Days such Creditor or Creditors shall not charge the Debtor in Execution, he or she shall be forthwith discharged out of Custody; but the Plaintiff or Plaintiffs may nevertheless afterwards sue out Execution either against the Body or Estate of such Debtor.

Names of
Slaves taken in
Execution to be
endorsed on the
Writ.

VII. *AND be it further enacted*, that where any Slaves shall be taken in Execution and sold the Names of such Slaves shall be certified on the Back of such Execution, and shall be returned to and recorded among the Records of the Court where such Execution shall issue.

Sheriffs Com-
missions for
serving Execu-
tions against
Insolvents.

* From in
the Roll.

VIII. *AND* whereas some Doubts and Disputes have arisen whether the Sheriffs are entitled to any and what Commissions upon the Amount of Debts due from Persons either committed to their Custody in Court or taken upon Executions, and who have afterwards taken the Benefit of the Act of Assembly made for the Relief of insolvent Debtors, and been discharged as such, or who, having remained in Prison twenty Days, are discharged by the Sheriff for Want of Security for the Prison Fees: For settling and putting a Stop to any further Disputes thereon, *Be it further enacted, by the Authority aforesaid*, that from and after the passing of this Act it shall not be lawful for the Sheriffs, or other Officers, to demand, receive, or take, of or from any Creditor or Suitor, at whose Suit or Instance any Debtor shall be committed to his Custody by the Court, or shall be taken in Execution, and shall afterwards be discharged * by taking the Oath of an insolvent Debtor, or for Want of Security for the Prison Fees, any Commissions upon the Amount of the Debt for which such Insolvent was in Custody as aforesaid, except on the Amount of the Effects mentioned in the Schedule delivered in by such Debtor, nor any other Fees or Perquisites than such as are already allowed by Law upon the Commitment, Release, and for the Maintenance of such Debtor.

And on
Judgments ob-
tained on
Bonds.

IX. *AND* whereas it is represented that some Sheriffs have demanded Commissions upon the Amount of the Penalties of Bonds, or other Writings, on which Judgments have been obtained and Executions issued, which is altogether unreasonable and unjust: *Be it further enacted*, that it shall not hereafter be lawful for the Sheriffs, or other Officers, to demand, receive, or take, any such Commissions

upon the Penalties mentioned or expressed in Executions delivered to them to be executed, but upon the Sum only by the Payment of which such Execution is directed to be discharged, from the Person against whom such Executions shall be issued, any former Custom or Usage to the contrary thereof in any Wise notwithstanding.

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X. AND whereas it has some Times happened that poor insolvent Debtors have been a long Time confined in Gaol for Want of knowing to whom to give Notice of their Intention to take the Benefit of the Act for Relief of such Insolvents, where the Party at whose Suit such Debtor was in Execution did not reside in this Colony, nor had any known Agent or Attorney here to whom he could give such Notice, which by the Laws in Force in such Cases is required to be given, which long Confinements have also happened in Cases where Debtors have remained in Prison twenty Days, and the Sheriffs or Gaolers have not known to whom to give Notice thereof, or of whom to demand Security for their Prison Fees after the Expiration of the twenty Days: For the further Relief therefore of such insolvent Debtors, *Be it enacted, by the Authority aforesaid*, that when the Party at whose Suit or Instance any such Debtor shall be confined in Execution does not reside in this Colony, nor hath any known Agent or Attorney here, it shall and may be lawful and sufficient for such insolvent Debtor to give Notice of such his Intention to take the Benefit of the said Act for Relief of Insolvents to the Attorney at Law who prosecuted the Suit against him; and also, where the Debtor shall have remained in Execution for the Space of twenty Days, it shall be lawful and sufficient for the Sheriff or Gaoler, in the like Cases, to give Notice thereof to the Attorney who prosecuted the Suit, and to demand Security of him for the Prison Fees that shall arise after the Expiration of the twenty Days; and if he shall fail or refuse to give such Security, then to discharge such Debtor out of Custody.

Insolvent may give Notice to the Attorney at Law where the Creditor out of the Country and Agent unknown.

XI. AND *be it further enacted*, that the Clerk of every County Court shall enter in a Docket, or Book by him to be kept for that Purpose, a List of all Executions by him issued, the Name of the Person to whom delivered, and what Return is made thereon, in Case the same be returned, and shall constantly carry the said Book to his County Court.

Clerks to keep a Docket of Executions.

XII. PROVIDED always, that the Execution of this Act shall be, and the same is hereby suspended, until his Majesty's Approbation thereof shall be obtained.

CHAP. VII.

An Act to prevent the Practice of selling Persons as Slaves that are not so, and for other Purposes therein mentioned. (a)

I. WHEREAS it is represented to this present General Assembly that divers ill disposed Persons have of late Years been guilty of selling and disposing of Mulattoes and others as Slaves, who by the Laws of this Colony are subject to a Service only of thirty one Years, after which they become free: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same*, that if any Person or Persons shall hereafter sell as a Slave within this Colony, or carry, or cause to be carried, out thereof, and sold as a Slave, any such Mulatto, or other Servant, knowing him or her so to be, every such Offender shall forfeit and pay the Sum of fifty Pounds to the Purchaser of such Servant or Servants,

Penalties on Persons selling Servants as Slaves.

(a) See 27. Geo. 2. (1753) Cap. 2. with Notes.

A. D. 1764.

over and above the Money actually paid by such Purchaser for the same; and, moreover, such Offender shall be liable to the Penalty of twenty Pounds to any Person who will inform or sue for the same, and may be recovered, with Costs, by Action of Debt or Information, in any Court of Record within this Colony. And if any Person shall be a second Time convicted of selling the same Servant as a Slave, he, she, or they, so offending, shall forfeit the Residue of the Time of Service due from such Servant, who shall thereupon be bound out, by Order of the Court of the County where the Matter shall be tried, to serve to the Age of twenty one Years, in the same Manner as is by Law directed for the binding out Orphan Children; but if such Servant shall at the Time of such Trial have attained the Age of twenty one Years, he shall be, and is hereby declared to be free.

Offender unable to pay the Penalty liable to Service.

II. *AND be it further enacted, by the Authority aforesaid*, that if any Offender against this Act shall not have sufficient Estate or Effects to pay the Fines and Forfeitures hereby imposed, upon Certificate thereof from the Sheriff of the County where the Offender resides, or other due Proof made to the Court of the County where the Judgment shall have been obtained for such Fine or Forfeiture, such Offender shall in that Case, by Order of such Court, be obliged to serve the Person to whom such Servant was sold as a Slave the full Time of Service that would have been due by Law from such Servant.

Churchwardens to bind out Mulatto Bastard Children of white Women to 21 and 18.

III. *AND* whereas by one Act of Assembly made in the twenty seventh Year of the Reign of his late Majesty, intituled *An Act for the better Government of Servants and Slaves*, it is, amongst other Things, enacted that if any Women Servant shall have a Bastard Child by a Negro or Mulatto, or if any free Christian white Woman shall have such Bastard Child by a Negro or Mulatto, in both Cases, besides the Punishment inflicted on the Mother of such Bastard, the Churchwardens shall bind the said Child to be a Servant until it be thirty one Years of Age, which is an unreasonable Severity towards such Children: *Be it further enacted, by the Authority aforesaid*, that from and after the passing of this Act the Churchwardens shall bind out such Bastard Children already born, and not yet bound out, or which shall hereafter be born, either of white Women Servants or of free Christian white Women, to serve, the Males to the Age of twenty one Years, and the Females to the Age of eighteen Years only, and no longer, any Thing in the said in Part recited Act to the contrary thereof in any Wise notwithstanding.

Children of Mulatto Women Servants to serve till 21 and 18.

IV. *AND be it further enacted*, that the Children hereafter to be born of Mulatto Women, during the Time of their Service, who are obliged by Law to serve to the Age of thirty one Years, shall serve the Master or Mistress of such Mulatto Woman, the Males to the Age of twenty one, and the Females to the Age of eighteen Years only, and no longer; any former Law, Custom, or Usage, to the contrary thereof in any Wise notwithstanding.

Repealing Clause.

V. *AND be it further enacted*, that so much of the said in Part recited Act as is repugnant to this Act shall be, and the same is hereby repealed.

VI. *PROVIDED* always, that the Execution of this Act shall be, and the same is hereby suspended, until his Majesty's Approbation thereof shall be obtained.

A. D. 1764.

C H A P. VIII.

An Act to amend the Act for the better Government of Servants and Slaves. (a)

I. **W**HEREAS the Method for apprehending Runaway Servants and Slaves, and conveying them to their Owners, as directed by the Act of Assembly made in the twenty seventh Year of the Reign of his late Majesty King George the Second, intituled *An Act for the better Government of Servants and Slaves*, hath been found not only very inconvenient to the Owners of such Servants and Slaves, burthensome to the Constables, and is also attended with great Trouble and Expence in settling the publick Claims of the Colony: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that from and after the Commencement of this Act the taker up of every such Runaway Servant or Slave, who shall discover the Name of his or her Master or Owner, shall immediately carry such Servant or Slave before a Justice of Peace of the County where such Servant or Slave shall be taken up to be examined; and if thereupon, and upon the Oath of the taker up, such Servant or Slave appears to be a Runaway, the Justice shall grant the taker up a Certificate of his having made such Oath, reciting his or her proper Name and Surname, the County of his or her Residence, the Name of the Runaway, the proper Name and Surname of his or her Owner, and the County where he or she resides, the Time and Place when and where the Runaway was taken up, and the Distance of Miles in the Judgment of the Justice from the Place of Residence of the Owner, or from the House or Quarter where the Runaway was usually kept: And thereupon the taker up shall immediately carry such Runaway to his or her Owner, or cause the same to be delivered to the Owner or Overseer of the Plantation from whence such Runaway came, or was usually kept; and upon Delivery of such Runaway, and producing the Certificate from the Justice as aforesaid, the taker up shall be entitled to a Reward of five Shillings for taking up, and fourpence for every Mile mentioned in such Certificate, to be paid by the Owner thereof. And upon such Owner's neglecting or refusing to pay the said Reward, the taker up may sue for and recover the same, with Costs, either by Warrant, before a single Justice, where the Reward shall not exceed twenty five Shillings; or where the Reward shall exceed that Sum, then by a Petition, or other Action or Suit, as the Case may require, in any Court of Record within this Colony.

Runaway
Slaves to be
carried by the
taker up to the
Owner or Over-
seer.Reward for
taking up.How to be
recovered.

II. *AND be it further enacted, by the Authority aforesaid,* that where such Runaway Servant or Slave cannot, or will not, declare the Name of his or her Owner, the same Proceedings shall be pursued as are directed by the before recited Act of Assembly.

Runaway
Slave not de-
claring Owner's
Name how to
be dealt with.

III. *AND* whereas, by the first Clause of the said Act, it is enacted that all Servants (except Convicts) imported into this Colony without Indenture, if they be Christians, of Christian Parentage, and above nineteen Years of Age, shall serve but five Years, and if they be under nineteen till they become twenty four Years of Age, and no longer, but that every such Servant under nineteen shall be brought within six Months after his or her Importation before the Court of the County where the Master lives, and his or her Age adjudged by the Court, otherwise shall be a Servant no longer than the accustomed five Years, although under the Age of nineteen, and that the Age of such Servant so adjudged and recorded shall be accounted his or her true Age in Respect to the Time of Service: *Be it further enacted, by the Authority aforesaid,* that the said Clause, and every Thing

Repealing
Clause.

A. D. 1764.

therein contained, and so much of the said recited Act concerning the apprehending and conveying such Runaway Servants and Slaves, and paying for the same, as is contrary to this Act, shall be, and the same is hereby repealed, and declared null and void.

IV. *PROVIDED* always, that the Execution of this Act shall be, and the same is hereby suspended, until his Majesty's Approbation thereof be obtained.

C H A P. IX.

An Act for amending the Act intituled An Act directing the Trial of Slaves committing capital Crimes, and for the more effectual punishing Conspiracies and Insurrections of them; and for the better Government of Negroes, Mulattoes, and Indians, bond or free. (a)

I. **W**HEREAS the Method prescribed for the Trial of Slaves committing capital Crimes, in and by an Act made in the twenty second Year of the Reign of his late Majesty King George the Second, intituled *An Act directing the Trial of Slaves committing capital Crimes, and for the more effectual punishing Conspiracies and Insurrections of them, and for the better Government of Negroes, Mulattoes, and Indians, bond or free*, hath occasioned much unnecessary Expense and Trouble in sending to the Governour or Commander in Chief from the different Parts of this Colony for Commissions of Oyer and Terminer for the Trial of each particular Slave, which Commissions issue of Course to the Justices of the County, and it would save such Expense and Trouble if a Power of trying Slaves was vested in the Justices of the County Courts, without such particular Commissions; and as the Power of the Commissioners determines at a certain Time, Difficulties have arisen in many Cases, where the Judgments could not be carried into Execution within the Time so limited: For Remedy whereof, may it please your Most Excellent Majesty that it may be enacted, *and be it enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and by the Authority of the same*, that from and after the Commencement of this Act the Governour, or Commander in Chief of this Colony for the Time being, is desired and empowered to issue Commissions of Oyer and Terminer, directed to the Justices of each County respectively, empowering them from Time to Time to try, condemn, and execute, or otherwise punish or acquit, all Slaves committing capital Crimes within their County; and when any Commission for constituting Justices of the Peace shall thereafter issue, a general Commission of Oyer and Terminer, for the Purposes aforesaid, shall be sent therewith, and directed to the same Persons: And such Justices, or any four or more of them (one being of the Quorum) having taken the usual Oaths to his Majesty's Person and Government, and subscribed the same, and repeated and subscribed the Test, and having also taken an Oath *well and truly to execute the Office of Justices of Oyer and Terminer, according to such Commission, without Favour, Affection, or Partiality*, shall have Power, and they are hereby required, to meet at the Courthouse of their County, at any Time when there shall be Occasion, for the Trial of any Slave or Slaves committing any Offence which by Law is punishable with Death or Loss of Member, or for carrying into Execution any Judgment by them given on such Trial.

Justices of the Peace to be appointed General Commissioners of Oyer and Terminer for Trial of Slaves.

(a) See 22 Geo. 2. (1748) Cap. 31. with Notes.

A. D. 1764.

II. *AND* be it further enacted, by the Authority aforesaid, that when any Slave or Slaves shall, at any Time hereafter, be committed to any County Gaol, by Precept from a Justice of the Peace, for any criminal Offence, such Justice shall forthwith issue his Warrant to the Sheriff of the County, requiring him to summon the Justices to meet at their Courthouse on a certain Day to be in such Warrant appointed, to hold a Court for the Trial of such Criminal or Criminals; on which Day, or at such other Time as shall be appointed, in Case a Court shall not then be held, the said Justices, or any four or more of them (one being of the Quorum) shall cause the Offender or Offenders to be publickly arraigned and tried, without the Solemnity of a Jury, upon such Evidence, in like Manner, and subject to the several Regulations in the herein before recited Act directed and required, where the same is not hereby altered.

Proceedings
against Slaves
committing
Crimes.

III. *PROVIDED* always, and be it further enacted, that where any Slave shall be convicted of Manlaughter, for killing a Slave, such Offender shall be allowed the Benefit of Clergy.

Slaves con-
victed of Man-
laughter en-
titled to Clergy.

IV. *PROVIDED* always, that the Execution of this Act shall be, and the same is hereby suspended, until his Majesty's Approbation thereof shall be obtained.

C H A P. X.

An Act to amend an Act for inspecting Pork, Beef, Flower, Tar, Pitch, and Turpentine. (a)

I. **W**HEREAS the Act of Assembly made in the third Year of his present Majesty's Reign, intituled *An Act for inspecting Pork, Beef, Flower, Tar, Pitch, and Turpentine*, hath been found defective, and it is necessary that the same should be amended: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same*, that from and after the passing of this Act every Person making, or causing to be made, Wheat Flower intended for Exportation, or his Miller, being a white Man, shall make Oath before a Justice of the Peace that the Flower by him intended to be exported, or sold for Exportation, is fine, clean, and pure, not mixed with Meal of Indian Corn, Pease, or any other Grain or Pulse, and that his Casks are justly tared, to the best of his Knowledge; which Oath every Justice of the Peace is hereby empowered and required, upon Request of the Owner of such Flower, or his Miller, being a white Man, to administer, and shall grant a Certificate of such Oath before him made. And such Certificate being produced to the Inspector, he shall bore the said Casks through, and diligently view and examine the Flower therein contained; and if by him found fine, clean, pure, unmixed, and merchantable, shall stamp or brand on the Head of every such Cask or Barrel the first Letter of his County, the Letter V for *Virginia*, the first Letter of his own Christian Name, his whole Surname at Length, the Word fine, and the gross, tare, and neat Weight thereof, for which he may demand and take, for every Barrel of Flower containing two Hundred and twenty Pounds neat, or less, threepence, and for every Cask of greater Weight Sixpence, and no more, to be paid down by the Owner. And if he shall suspect the Tare of such Cask or Barrel to be false, he shall start the Flower and weigh the Cask or Barrel; and if found false, the Owner shall, for every such Cask or Barrel, forfeit and pay the Sum of ten

Maker of
Flower, or Mil-
ler, to make
Oath of the
Quality and
Tare.Inspector's
Duty.

And Wages

Penalties;

(a) See 3 Geo. 3. (1762) Cap. 3. with the Notes subjoined,
7 Geo. 3. (1766) Cap. 9.

A. D. 1764. Shillings, to the Informer, recoverable before any Justice of the Peace of this Colony. And if any Inspector shall neglect his Duty, or stamp or brand any Flower contrary to this Act, he shall forfeit and pay for every Offence twenty Shillings; recoverable by the Informer, with Costs, before a Justice of the Peace of the County where such Offence shall be committed.

Miller not to
be Inspector.

II. *AND be it further enacted, by the Authority aforesaid, that from and after the passing this Act no Miller shall be appointed an Inspector of Flower.*

Pork or Beef
not to be sold
uninspected.

III. *AND be it further enacted, by the Authority aforesaid, that no Person shall presume to sell, or expose to Sale, or barter, any Barrel of Pork or Beef without being first inspected according to the Directions of the said Act, under the same Penalty as is inflicted on Persons offering any for Sale or Barter under the Weight or Gauge by the said Act directed.*

Duty of
Masters of Vessels
and Naval
Officers.

IV. *AND be it further enacted, by the Authority aforesaid, that every Master of a Vessel wherein Pork, Beef, Flower, Tar, Pitch, or Turpentine, is intended to be exported, shall at the Time of Entry make Oath that he will not knowingly take, or suffer to be taken, on Board his Ship or Vessel, any Pork, Beef, Flower, Tar, Pitch, or Turpentine, contrary to Law, which Oath the respective Naval Officers of this Colony are hereby required to administer; and such Master shall also produce a Certificate from the Inspectors of such Commodities, at the Time of his clearing out his Vessel. And if any Naval Officer shall clear out any Ship or Vessel wherein Pork, Beef, Flower, Tar, Pitch, or Turpentine, shall be exported, without first administering to the Master of such Ship or Vessel the Oath required by this Act, or without such Certificate being produced and lodged in his Office, or endorsed, as the Case may require, every Naval Officer so neglecting shall, for every Neglect, forfeit and pay the Sum of fifty Pounds; recoverable, with Costs, by the Informer, in any Court of Record within this Colony, where the same shall be cognizable.*

V. *AND be it further enacted, by the Authority aforesaid, that this Act shall continue and be in Force, from and after the passing thereof, until the first Day of August one Thousand seven Hundred and seventy three, and from thence to the End of the next Session of Assembly; and that so much of the said recited Act as is within the Purview of this Act be, and the same is hereby repealed.*

CHAP. XI.

An Act for increasing the Rewards for killing Wolves within certain Counties, to be paid by the respective Counties wherein the Services shall be performed. (a)

I. **W**HEREAS it is represented to this present General Assembly that the Rewards given for killing Wolves are not sufficient to induce Persons to spend the Time necessary to accomplish the Destruction of that Pest, which have lately become very numerous in the Frontiers, and many other Counties within this Colony; and whereas the Inhabitants of several Counties have desired that the Rewards for killing Wolves within the said Counties may be increased, and that the same may be paid by the respective Counties wherein the Services shall be performed: *Be it enacted, by the Lieutenant Governour, Council, and Burgessees, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that from and after the passing of this Act, and during its Continuance, every Person who shall kill any Wolf within the Counties*

(a) See 22 Geo. 2. (1748) Cap. 40. with Notes,

of *Hampshire, Frederick, Loudoun, Prince William, Fauquier, Buckingham, or Culpeper*, shall have an additional Reward of fifty Pounds of neat Tobacco for every young Wolf not exceeding the Age of six Months, and for every Wolf above that Age one Hundred Pounds of neat Tobacco, to be levied and paid in the respective Counties wherein the Services shall be performed; and the said several County Courts of *Hampshire, Frederick, Loudoun, Prince William, Fauquier, Buckingham, and Culpeper*, are hereby empowered and required to levy the same in their annual County Levy, to the Party or Parties entitled thereto. A. D. 1764.

II. *PROVIDED* always, that the said County Courts of *Hampshire and Frederick* shall levy the Rewards given by this Act in Money, at the Rate of twelve Shillings and Sixpence for every Hundred Weight of neat Tobacco.

III. *AND* be it further enacted, by the Authority aforesaid, that this Act shall continue and be in Force for three Years, and no longer.

C H A P. XII.

An Act for clearing the great Falls of James River, the River Chickahominy, and the north Branch of James River. (a)

I. **W**HEREAS extending the Navigation of *James River*, from *Westham* downwards through the great Falls, also of *Chickahominy River*, and the north Branch of *James River*, from the Mouth thereof upwards, will be of great Benefit and Advantage, as well to the Inhabitants of the interior Parts of the Colony as to the Publick in general, and it is represented to this present General Assembly that many Persons are willing and desirous to subscribe and contribute thereto: For the Encouragement, therefore, of such laudable and useful Undertakings, Be it enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that the Honourable *Peter Randolph and William Byrd, Esquires, Archibald Cary, John Fleming, Richard Adams, Robert Bolling, Junior, William Cabel, Robert Carter Nicholas, John Wayles, Samuel Jordan, and Thomas Bolling, Gentlemen*, be, and they are hereby nominated, constituted, and appointed, Trustees for clearing the great Falls of *James River*; *Benjamin Harrison, Bowler Cocke, Junior, Richard Adams, Burwell Bassett, Thomas Adams, William Massy, William Dangerfield, Peter Russel, Thomas Watkins, Jonathan Patterson, and Ambrose Dudley, Gentlemen*, Trustees for the River *Chickahominy*; and *Thomas Walker, Edward Carter, Charles Lewis, Nicholas Lewis, Thomas Jefferson, Henry Fry, Nicholas Meriwether, John Walker, John Hervey, Valentine Wood, and James Adams, Gentlemen*, for the north Branch of *James River*; and they are hereby respectively authorized and empowered to take and receive Subscriptions for that Purpose. And if any Person or Persons shall neglect, fail, or refuse, to pay the several Sums of Money by them respectively subscribed for the Purposes of this Act, it shall and may be lawful for the said Trustees respectively to sue for and recover the same, in the Name of the Trustees, for clearing the River whereof they are by this Act respectively appointed Trustees, by Petition, where the Subscription shall not exceed five Pounds; and where the same shall be above that Sum, by Action of Debt.

II. *AND* be it further enacted, by the Authority aforesaid, that the said Trustees respectively, or the major Part of them, shall have full Power and Authority to contract and agree with any Person or Persons for clearing the said Rivers, or extending the Navigation of *James River* aforesaid, from *Westham*

(a) See 22. Geo. 2. (1748) Cap. 23. with Notes.

A. D. 1764.

aforesaid, downwards through the great Falls, in such Manner as to the said Trustees shall seem most proper; and to remove all Hedges, Rocks, or Stops, which the said Trustees shall think may in any Wise obstruct the said Navigation. And it shall and may be lawful for the said Trustees, or any Person or Persons employed by them in the Execution of this Act, to go on Shore on the Lands of any Person whatsoever, and to dig, cut out, and open, such Canals or Aqueducts, for the Passage of the Waters of the said Rivers, and to build and place such Locks therein, as they shall think proper, without being subject to an Action for the same. And if any Suit shall be commenced for any Thing to be done in Pursuance of this Act, the Person or Persons sued may plead the General Issue, and give this Act in Evidence; and every Court before whom such Suit shall be prosecuted, where a Verdict shall be found for the Defendant, or the Plaintiff shall be nonsuited, shall award Judgment for the Defendant, and treble Costs.

III. *PROVIDED* always, and be it enacted, that the Lands through which any such Canal or Aqueduct is proposed to be opened shall be first viewed and valued, by a Jury to be impannelled and sworn by Order of the Court of the County where such Lands lie, on Application of the Trustees, in the same Manner as is by Law directed in Cases of Petitions preferred for Land to build a Mill on; and shall be paid for by the said Trustees, before such proposed Canal or Aqueduct shall be cut or opened.

IV. *AND* be it further enacted, by the Authority aforesaid, that the said Trustees respectively, or the major Part of them, from Time to Time, as often as they shall see Occasion, shall and may nominate and appoint one or more of their Number willing to undertake the same to be Receiver or Receivers of all Monies that shall be subscribed for the Purpose of this Act; who shall, in the Court of the County where he or they shall reside, give Bond, with sufficient Security, in a reasonable Penalty, payable to his Majesty, his Heirs and Successors, with a Condition that he or they, his or their Heirs, Executors, and Administrators, at all Times when required, shall and will truly and faithfully account with the said Trustees for all such Monies as shall come to the Hands of such Receiver for the Purposes of this Act, and pay the same to such Person or Persons as the said Trustees, or the major Part of them, shall order and direct.

V. *AND* be it further enacted, that in Case of the Death, Resignation, Removal out of the Country, or other legal Disability, of any one or more of the Trustees before named, it shall and may be lawful for the surviving or remaining Trustees, or any six of them, from Time to Time, to elect and choose so many other Persons in the Room of those so dead, resigning, removed, or disabled, as shall make up the Number of eleven; which Trustees, so chosen, shall be vested with the same Power and Authority as any other in this Act particularly named.

C H A P. XIII.

His Majesty
gave his Assent
to this Act
June 26, 1767.

An Act for enlarging the Jurisdiction of the Court of Hustings in the Borough of Norfolk. (a)

I. **W**HEREAS your Majesty's Royal Grandfather, of blessed Memory, by his Royal Charter, bearing Date the fifteenth Day of *September*, in the tenth Year of his Reign, under the Seal of this your Majesty's Colony and Dominion of *Virginia*, was most graciously pleased to grant to the Inhabitants of the Town of *Norfolk* that the same should be a Borough and Body Corporate, consisting of a Mayor, Recorder, eight Aldermen, and sixteen Common Council-

(a) See 10. Geo. 2. (1736) Cap. 6. with Notes.

men; and was also pleased to grant, among other Things therein contained, that the said Mayor, Recorder, and Aldermen, might hold a Court of Hustings once in every Month within the said Borough, and have Jurisdiction, and hold Plea of Trespas and Ejectment, and all Writs of Dower, for any Lands and Tenements within the said Borough, and all other Actions, personal or mixed, arising within the same, so as the Demand in such Actions, personal or mixed, do not exceed twenty Pounds current Money, or four Thousand Pounds of Tobacco. A. D. 1764.

II. AND whereas it is represented to this present General Assembly, as well by the Mayor, Recorder, Aldermen, and Common Councilmen, as other Inhabitants of the said Borough, and also of the County of *Norfolk*, that under the Restrictions and Limitations of the said Charter but a very inconsiderable Part of the Actions arising within the said Borough can be prosecuted in the said Court of Hustings, whereby Suitors are compelled to prosecute for the Recovery of their Debts in the Court of the said County of *Norfolk*, where the Demand exceeds the Sum of twenty Pounds, or four Thousand Pounds of Tobacco, which hath created a Multiplicity of Business in that Court, and rendered the Determination of them very tedious and inconvenient, as well to the Justices of the said Court as the Parties concerned.

III. AND it is also represented that the good Government of the said Borough doth very much depend upon the well ordering of Servants and Apprentices within the same, and a due Correction and Punishment of Persons guilty of a Breach of the Peace, whereof the said Court of Hustings hath not at present a competent Jurisdiction.

IV. MAY it therefore please your Most Excellent Majesty that it may be enacted, *And be it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that from and after the passing of this Act the said Court of Hustings shall have Jurisdiction, and hold Plea of all Suits in Chancery, and of all Actions personal and mixed, and Attachments, whereof any County Court within this Colony by Law have or can take Cognizance, and shall and may hear and determine all Complaints of Masters, Servants, and Apprentices, and for Breaches of the Peace, within the said Borough, in the same Manner as the Court of the said County of *Norfolk* now doth; and that the Mayor, Recorder, and Aldermen, of the said Borough, shall respectively have, use, and exercise, all the Powers, Jurisdictions, and Authorities, out of Court, which any Justice or Justices of the Peace of a County now have, or can or may use and exercise, any Act heretofore made to the contrary thereof in any Wise notwithstanding.

V. *PROVIDED* always, that the Execution of this Act shall be, and the same is hereby suspended, until his Majesty's Approbation thereof shall be obtained.

C H A P. XIV.

An Act to enable Tenants in Taille to make Leases of their Lands. (a)

I. **W**HEREAS many large Tracts of entailed Lands remain uncultivated, the Owners not having Slaves to work them, and no Persons inclining to take Leases of such Lands, because those Leases are thought to be valid no longer than during the Life of the Tenants in Taille, and it would be advantageous to the Publick if such Lands were settled by industrious and laborious People:

(a) See 22, Geo. 2. (1748) Cap. 1. Sect. 14.

A. D. 1764. *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that all Leases hereafter to be made of any Lands, by Writing indented and sealed, for the Term of twenty one Years from the making thereof, or for three Lives, or for any lesser Term, by any Person or Persons being of full Age, having any Estate of Inheritance in Fee Taille, or by Husband and Wife of any Lands of which she hath an Estate in Fee Taille, acknowledged by her after privy Examination as the Law directs, shall be good and effectual in the Law against the Lessors, their Issue, and those claiming in Remainder or Reversion, according to the Estate comprised in such Indentures of Lease, in like Manner as if such Lessor had been seized of an absolute Estate in Fee Simple in such Lands.*

Tenants in
Taille may
make Leases.

Rent to be
approved by the
Court.

Remedy for
Issue, Rever-
sioner, and Re-
mainderman.

No Fine to
be paid.

II. *PROVIDED*, that this Act shall not extend to any Lease to be made without Impeachment of Waste. And that upon every Lease made effectual by this Act there be reserved so much yearly rent, during the whole Term, payable to the Lessor, his Issue, or those claiming in Remainder or Reversion respectively, succeeding to the Inheritance, as shall be approved of and certified to be a reasonable Rent by the General Court, or Court of the County wherein the Lands lie, at the Time such Indenture shall be acknowledged or proved, and ordered to be recorded, which shall be done within eight Months from the Date thereof; and that the Issue, and those claiming the Inheritance in Remainder or Reversion after the Death of the Lessor, shall have the like Remedy and Advantage from such Lease, to all Intents and Purposes, against the Lessee, his Executors and Assigns, as the Lessor might have had.

III. *PROVIDED also*, that no Fine or Consideration whatsoever, other than the annual Rent expressed in the Lease, shall be paid, or engaged to be paid, in Order to obtain any such Lease of entailed Lands, under the Penalty of forfeiting the Value of such Fine, or other Consideration, and three Years Rent, to the Issue of the Lessor, or Person in Remainder; to be recovered of the Lessee, his Heirs or Assigns, in the General Court, or in the Court of the County in which such Lands may lie.

CHAP. XV.

An Act for allowing the full Fees to which the Lawyers practising in the several Courts of this Colony are intitled, in particular Cases therein mentioned, to be taxed upon Recovery in the Bill of Costs. (a)

I. **W**HEREAS by one Act of Assembly, made in the first Year of the Reign of his present Majesty, intituled *An Act for regulating the Practice of Attornies*, it is, amongst other Things, enacted that Lawyers practising in the General Courts of this Colony may demand or receive in all Chancery Suits, or real, mixed, or personal Actions, where the Title or Bounds of Lands shall or may come in Question, five Pounds for their Fees; and that Lawyers practising in the County Courts, or other inferiour Courts, may demand or receive a Fee of thirty Shillings in all such Suits, and in all other Actions, except by Petition, fifteen Shillings.

II. **AND** whereas by one other Act, made in the twenty seventh Year of the Reign of his late Majesty King George the second, intituled *An Act for reducing*

(a) See 1 Geo. 3. (1761) Cap. 3. Sect. 11.

the several Laws made for establishing the General Court, and for regulating and settling the Proceedings therein, into one Act of Assembly, it is, amongst other Things, enacted that when any final Judgment shall be obtained out of Court the Clerk shall allow a Lawyer's Fee in the Bill of Costs, if the Plaintiff employed one, which Fee is thereby declared, in all Cases, to be fifty Shillings current Money, or five Hundred Pounds of Tobacco, at the Election of the Party adjudged to pay the same.

A. D. 1764.
27 Geo. 2.
(1753) Cap. 1.
Sect. 24.

III. AND whereas it is judged unreasonable that the Party who prevails, and recovers in any such Action or Suit, should be subject to the Payment of a greater Fee to his Lawyer than he can by Law recover of the adverse Party: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that from and after the passing of this Act the Clerk of the General Court shall, and he is hereby required to tax in the Bill of Costs, on all Decrees obtained in the said Court, and on all Judgments, in any such real, mixed, or personal Action, where the Title or Bounds of Lands shall or may come in Question, a Fee of five Pounds, or one Thousand Pounds of Tobacco, at the Election of the Party adjudged to pay the same, where the Party obtaining such Decree or Judgment employed a Lawyer, except against Executors or Administrators, or where the Plaintiff may not recover more Costs than Damages. And that the Clerks of the respective County Courts, or other inferiour Courts of this Dominion, shall, and they are also hereby required to tax in the Bill of Costs, in all Decrees, and in every Judgment on all such Actions or Suits, where the Title or Bounds of Lands shall or may come in Question, either when the Plaintiff shall recover or be nonsuited, or where his Suit shall be dismissed, thirty Shillings, or three Hundred Pounds of Tobacco; and in all other Actions, except by Petition, fifteen Shillings, or one Hundred and fifty Pounds of Tobacco, for an Attorney's Fee, if the Party employed one, except against Executors or Administrators, or where the Plaintiff may not recover more Costs than Damages; and in all Suits by Petition the Clerks of the said County Courts, and other inferiour Courts, shall tax in the Bill of Costs the Sum of seven Shillings and Sixpence, as an Attorney's Fee, against the Party who shall be cast, where an Attorney shall be employed, except against Executors or Administrators.*

Full Fees to be taxed.

Fees to be taxed in Petitions.

IV. AND *be it further enacted, by the Authority aforesaid, that so much of the several above mentioned Acts of Assembly as is contrary and repugnant to any Thing contained within the Purview of this Act shall be, and the same is hereby repealed and made void.*

Repealing Clause.

C H A P. XVI.

An Act for further continuing the Act intituled An Act for the better regulating and collecting certain Officers Fees, and for other Purposes therein mentioned. (a)

I. **W**HEREAS the Act of Assembly made in the nineteenth Year of the Reign of his late Majesty King George the Second, intituled *An Act for the better regulating and collecting certain Officers Fees, and for other Purposes therein mentioned*, which hath been continued by several Acts, and amended by two other Acts made in the first and third Years of his present Majesty's Reign, will expire on the twelfth Day of April one Thousand seven Hundred and sixty six; and it being necessary that the same should be further continued, with an

(a) See 19 Geo. 2. (1745) Cap. 1. Sect. 15.

A. D. 1764.

Amendment: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that the said recited Acts of Assembly, made in the nineteenth Year of his late Majesty's Reign, and in the first and third Years of the Reign of his present Majesty, and every Clause and Article thereof, shall continue and be in Force, from and after the said twelfth Day of April one Thousand seven Hundred and sixty six, for and during the Term of two Years, and no longer.*

II. *PROVIDED* always, and *be it enacted*, that so much of the said first recited Act as directs that the respective County Courts, in every Cause, except where the same shall be brought by Petition, where the Plaintiff shall recover or be nonsuited, or where his Suit shall be dismissed, shall allow in the Bill of Costs fifteen Shillings, or one Hundred and fifty Pounds of Tobacco, for an Attorney's Fee, if the Party employed one, except against Executors and Administrators, or where the Party may not recover more Costs than Damages, shall be, and the same is hereby repealed.

FRANCIS FAUQUIER, *Esq;* Governour.
JOHN ROBINSON, *Speaker.*

A. D. 1766.

FRANCIS
FAUQUIER,
Esq; Gove-
nour.

At a GENERAL ASSEMBLY begun and held at the CAPITOL, in *Williamsburg*, on *Thursday* the 6th Day of *November*, in the 7th Year of the Reign of our Sovereign Lord GEORGE III. by the Grace of GOD of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord 1766, and then held at the CAPITOL in *Williamsburg*, being the first Session of this Assembly.

CHAP. I.

An Act for further continuing the Act for reducing the several Acts for making Provision against Invasions and Insurrections into one Act. (a)

I. **W**HEREAS the Act of Assembly made in the thirtieth Year of the Reign of his late Majesty King George the Second, intituled *An Act for reducing the several Acts of Assembly for making Provision against Invasions and Insurrections into one Act*, and which was continued by another Act made in the third Year of his present Majesty's Reign, will expire on the eighth Day of June next, and it is necessary and expedient that the said Act should be further continued: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Au-*

(a) See 30 Geo. 2. (1757) Cap. 1.

thority of the same, that the said Act of Assembly, made in the thirtieth Year of his said late Majesty's Reign, shall continue and be in Force, from and after the said eighth Day of June next, for and during the Term of three Years, and no longer. A. D. 1766.

C H A P. II.

An Act to continue an Act intituled An Act for reducing the several Acts made for laying a Duty upon Liquors into one Act. (a)

I. **W**HEREAS the Act of Assembly made in the thirty second Year of the Reign of his late Majesty King George the second, intituled *An Act for reducing the several Acts for laying a Duty upon Liquors into one Act*, which was continued by two other Acts of Assembly made in the first and fifth Years of the Reign of his present Majesty, will expire on the twentieth Day of June next, and it is necessary that the same should be further continued: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgessees, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that the said first mentioned Act of Assembly shall continue and be in Force, from and after the said twentieth Day of June, for and during the Term of three Years from thence next following, and no longer.

C H A P. III.

An Act to continue and amend an Act for reviving the Duty upon Slaves to be paid by the Buyers. (b)

I. **W**HEREAS an Act of Assembly made the twenty fifth Year of the Reign of his late Majesty King George the second, intituled *An Act for reviving the Duty upon Slaves, to be paid by the Buyers, for the Term therein mentioned*, which was continued by two other Acts of Assembly made in the twenty seventh and thirty second Years of the Reign of his said Majesty, will expire on the twentieth Day of April next, and it being found expedient that the said first recited Act should be further continued, for the Purposes therein mentioned: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgessees, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that the said first mentioned Act of Assembly, and every Clause and Article thereof, shall be and continue in Force, from and after the twentieth Day of April next, for and during the Term of three Years, from thence next following, and no longer.

II. *PROVIDED* always, and be it further enacted, by the Authority aforesaid, that the said Duties shall be collected and paid, according to the Directions of the said first mentioned Act, to Robert Carter Nicholas, Esquire, Treasurer, or the Treasurer of this Colony for the Time being, appointed by or pursuant to an Act of Assembly, any Thing in the said recited Acts to the contrary notwithstanding.

(a) See 3^d Geo. 2. (1759) Cap. 1.

(b) See 25 Geo. 2. (1752) Cap. 1.

A. D. 1766.

C H A P. IV.

An Act to continue an Act intituled An Act to oblige the Persons bringing Slaves into this Colony from Maryland, Carolina, and the West Indies, for their own Use, to pay a Duty. (a)

I. **W**HEREAS an Act of Assembly made in the thirty third Year of the Reign of his late Majesty King George the second, intituled *An Act to oblige Persons bringing Slaves into this Colony from Maryland, Carolina, and the West Indies, for their own Use, to pay a Duty for the Term therein mentioned*, will expire the twentieth Day of April next, and it being found expedient that the said Act should be continued, for the Purposes therein mentioned: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that the said Act of Assembly, and every Clause and Article thereof, shall be and continue in Force, from and after the twentieth Day of April next, for and during the Term of three Years from thence next following, and no longer.*

C H A P. V.

An Act for amending and further continuing an Act for the more effectual keeping the publick Roads and Bridges in Repair. (b)

I. **W**HEREAS the Act of Assembly made in the third Year of his present Majesty's Reign, intituled *An Act for the more effectual keeping the publick Roads and Bridges in Repair*, will expire at the End of this present Session of Assembly, and it being necessary that the same should be amended, and further continued: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that if any Overseer shall fail to send the Hands under his Care when thereto required, according to the Directions of the said Act, such Overseer shall forfeit and pay the Sum of five Shillings for every such Failure, to be recovered in the same Manner as in the said Act is directed.*

II. *AND be it further enacted, by the Authority aforesaid, that the said recited Act, and every Clause and Article thereof, shall continue and be in Force, from the End of this present Session of Assembly, for and during the Term of five Years, and no longer.*

C H A P. VI.

An Act for establishing several new Ferries, and for other Purposes therein mentioned. (c)

I. **W**HEREAS it is represented to this present General Assembly that publick Ferries at the Places hereafter mentioned will be of great Service to Travellers and others: *Be it therefore enacted, by the Lieutenant Go-*

(a) See 33 Geo. 2. (1759) Cap. 1.

(b) See 3 Geo. 3. (1762) Cap. 5.

(c) See 22 Geo. 2. (1748) Cap. 11.

vernour, Council, and Burgesſes, of this preſent General Aſſembly, and it is hereby enacted, by the Authority of the ſame, that publick Ferries be conſtantly kept at the following Places, and that the Rates for paſſing the ſame ſhall be as follow, to wit: From the Land of *John Dix*, on the north Side of *Dan River*, in *Halifax* County, acroſs the ſaid River, to the Land of *Lewis Green*, oppoſite thereto, the Price for a Man threepence, and for a Horſe the ſame; from the Land of *Joſeph Cabell*, on the ſouth Side of *Fluvannah River*, in *Buckingham* County, acroſs the ſaid River, to the Land of *William Cabell*, oppoſite thereto, the Price for a Man threepence, and for a Horſe the ſame; from the Land of *Elizabeth Cook*, in *Stafford* County, below the Mouth of *Chapawamsick* Creek, acroſs the River *Potowmack*, to the Land of *Clement Kennedy*, in *Maryland*, the Price for a Man two Shillings, and for a Horſe the ſame. And for the Transportation of Wheel Carriages, Tobacco, Cattle, and other Beaſts, at any of the Places aforeſaid, the Ferrykeepers may demand and take the following Rates, to wit: For every Coach, Chariot, or Waggon, and the Driver thereof, the ſame as for ſix Horſes; for every Cart or four wheeled Chaiſe, and the Driver thereof, the ſame as for four Horſes; for every two wheeled Chaiſe, or Chair, the ſame as for two Horſes; for every Hogſhead of Tobacco, as for one Horſe; for every Head of neat Cattle, as for one Horſe; for every Sheep, Goat, Hog, or Lamb, one fourth Part of the Ferriage of one Horſe; according to the Prices herein before ſettled at ſuch Ferries reſpectively, and no more. And if any of the ſaid Ferrykeepers ſhall preſume to demand or receive from any Perſon or Perſons whatſoever any greater Rate than is hereby allowed for the Carriage or Ferriage of any Thing whatſoever, he, ſhe, or they, for every ſuch Offence, ſhall forfeit and pay to the Party grieved the Ferriage demanded or received, and ten Shillings; to be recovered, with Coſts, before any Juſtice of the Peace where the Offence ſhall be committed. And where a Ferry is by this Act appointed on one Side of a River, and none on the other Side anſwerable thereto, it ſhall be lawful for the reſpective County Courts to appoint an oppoſite Ferry, and to allow the reſpective Rates herein before directed; and the Courts of the Counties wherein the ſaid Ferries are eſtabliſhed ſhall and may, and are hereby required to order and direct what Boat or Boats, and what Number of Hands, ſhall be kept at each Ferry reſpectively: And every ſuch Ferrykeeper ſhall enter into Bond, in the Manner directed by one Act of Aſſembly made in the twenty ſecond Year of his late Maſteſty's Reign, intituled *An Act for the Settlement and Regulation of Ferries, and for Deſpatch of publick Expreſſes*, and ſhall be liable to the Penalties thereby inflicted for any Neglect or Omiſſion of their Duty. And whereas by an Act of Aſſembly paſſed in the * third Year of his preſent Maſteſty's Reign, intituled *An Act for eſtabliſhing ſeveral new Ferries, and for other Purpoſes therein mentioned*, it was enacted that a Ferry ſhould be conſtantly kept and eſtabliſhed from the Land of *Archibald Ritchie*, adjoining the Town of *Tappahannock*, acroſs the River, to a Cauſey erected and raiſed through the Maſh and low Grounds, on and adjoining to the Lands of *Moore Fantleroy*, in the County of *Richmond*; and that the Property thereof ſhould be, and the ſame was thereby veſted in the ſaid *Archibald Ritchie*, his Heirs or Aſſigns, ſo long as he or they, at his or their own Expenſe, ſhould keep up and maintain the ſaid Cauſey in good Repair; and that the ſaid *Archibald Ritchie*, his Heirs or Aſſigns, might demand and take for Ferriage acroſs the ſaid River one Shilling and threepence for a Man, and for a Horſe the ſame Rate, and ſo in Proportion of ſuch Ferriage for the Transportation of Carriages, Cattle, and other Things: But forasmuch as Doubts have ariſen in Conſtruction of the Conditions whereon, by the afore recited Act, the ſaid Ferry was veſted in the ſaid *Archibald Ritchie*, his Heirs or Aſſigns, and it hath, moreover, been repreſented to this General Aſſembly that the Rates of Ferriage by the ſaid recited Act appointed are too great, Be it therefore enacted, by the Authority aforeſaid, that from and after the paſſing of this Act the ſaid *Archibald Ritchie*, his Heirs or Aſſigns, ſhall at all Times hereafter, at his or their own proper Charge and Expenſe, keep up, and maintain in Repair, a good and ſufficient Road and Cauſeys from the publick Road of the ſaid County of *Richmond*

A. D. 1766.

* This is a
Miſtake; it
ſhould be
fourth.

A. D. 1766.

which leads to the said Ferry, to be carried through the low Grounds to the Marsh adjoining the said Ferry, and also keep up, and maintain in Repair, a good and sufficient Causeway through the said Marsh to the River Side. And the said *Archibald Ritchie*, his Heirs or Assigns, may demand and take the following Rates for Ferriage, that is to say: For a Man one Shilling, and for a Horse the same; and in that Proportion for transporting of Carriages, Cattle, and other Things, and no more.

II. *AND* be it further enacted, by the Authority aforesaid, that if any other Person whatsoever shall, for Reward, set any Person or Persons over any River whereon publick Ferries are hereby established, he or she so offending shall forfeit and pay five Pounds current Money for every such Offence, one Moiety to the Ferrykeeper nearest the Place where such Offence shall be committed, and the other Moiety to the Informer. And if such Ferrykeeper inform, he shall have the whole Penalty; to be recovered, with Costs, by Action of Debt or Information, in any County Court of this Dominion.

C H A P. VII.

An Act to amend so much of the Act for the better regulating and training the Militia as relates to the Appointment of Patrollers, their Duty, and Reward. (a)

Chief Officer
of Militia to
appoint Officer
and Men to
patrol.
Patrollers
Duty.

I. **W**HEREAS so much of an Act of Assembly passed in the twenty ninth Year of the Reign of his late Majesty *George* the second, intituled *An Act for the better regulating and training the Militia, as relates to the Appointment of Patrollers, their Duty, and Reward*, has been found inconvenient: For Remedy whereof, *Be it enacted, by the Lieutenant Governour, Council, and Burgessees, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that it shall and may be lawful for the chief Officer of the Militia in every County, and he is hereby required, some Time before the tenth Day of *June*, yearly, to appoint an Officer, and so many Men of the Militia as to him shall appear to be necessary, not exceeding four, once in every Month, or oftener, if thereunto required by such chief Officer, to patrol and visit all Negro Quarters, and other Places suspected of entertaining unlawful Assemblies of Slaves, Servants, or other disorderly Persons as aforesaid unlawfully assembled, or any other strolling about from one Plantation to another without a Pass from his or her Master, Mistress, or Overseer, and to carry them before the next Justice of Peace, who, if he shall see Cause, is to order every such Slave, Servant, Stroller, or other disorderly Person as aforesaid, to receive any Number of Lashes not exceeding twenty, on his or her bare Back, well laid on; and in Case one Company of Patrollers shall not be sufficient, to order more Companies for the same Service. And once in six Months, at the least, the Officer of each Party shall return to the Commanding Officer of his County a Report in Writing, upon Oath (which Oath such Officer is hereby empowered to administer) of the Names of those of his Party who were upon Duty, and of the Proceedings in such Patrol, by whom they shall be certified and delivered to the Court of the said County, some Time before laying the County Levy; and if the said Court shall adjudge the Patrollers to have performed their Duty according to Law, they are hereby empowered and required, at the laying of their County Levy, to allow to and levy for every one of the Patrollers

And Reward. twenty Pounds of Tobacco, for every twelve Hours they shall so patrol.

(a) See 30 Geo. 2. (1757) Cap. 1.

A. D. 1766.

Penalties.

II. *AND be it further enacted, by the Authority aforesaid, that if the chief Officer of the Militia, in any County, shall fail to appoint Patrollers according to the Directions of this Act, such Officer shall forfeit and pay the Sum of ten Pounds; and every Person appointed to patrol in Pursuance of this Act, failing to do his Duty therein, shall pay the Sum of twenty Shillings for every Failure; which Fines shall be laid by the Court Martial of the said County, and shall be collected, levied, accounted for, and appropriated, as in the said recited Act is directed. And whereas it may be necessary at some Times to employ a greater Number of Patrollers than have been appointed at the Time before prescribed by this Act, Be it therefore enacted, by the Authority aforesaid, that the chief Officer of the Militia in every County may appoint as many more Patrollers as he shall think proper, who shall be under the like Regulations, and subject to the same Penalties, and shall also receive the same Pay for their Services, as those before appointed; but the said additional Patrollers shall not be continued in Office longer than the pressing Cause of their Appointment shall remain.*

III. *AND be it further enacted, by the Authority aforesaid, that every Clause and Article of the said recited Act, within the Purview of this Act, be, and the same is hereby repealed and made void.*

Repealing
Clause.

C H A P. VIII.

An Act to continue an Act intituled An Act for establishing Pilots, and regulating their Fees. (a)

I. **W**HEREAS an Act of Assembly made in the third Year of the Reign of his present Majesty, intituled *An Act for establishing Pilots, and regulating their Fees*, will expire at the End of this present Session of Assembly, and it being found expedient that the said Act should be continued, for the Purposes therein mentioned: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that the said Act of Assembly, and every Clause and Article thereof, shall be and continue in Force, from the End of this present Session of Assembly, for and during the Term of three Years from thence next following, and no longer.*

C H A P. IX.

An Act for lessening the Allowance for the Inspection of Flower. (b)

I. **W**HEREAS by an Act of General Assembly made in the fifth Year of his present Majesty's Reign, to amend an Act *For inspecting Pork, Beef, Flower, Tar, Pitch, and Turpentine*, an Allowance is made of threepence for every Barrel of Flower containing two Hundred and twenty Weight, or less, and of Sixpence for every Barrel of Flower of greater Weight, to the Inspector thereof, which Allowance is found too great for such Service: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that for the future the Inspector of Flower shall have and receive one Penny Halfpeny for*

(a) See 3 Geo. 3. (1762) Cap. 6.

(b) 5 Geo. 3. (1764) Cap. 10.

A. D. 1766.

every Cask or Barrel of Flower by him inspected and marked according to the Directions of the said Act, and no more, any Thing in the said Act to the contrary notwithstanding.

C H A P. X.

An Act for continuing the Act intituled An Act for regulating the Practice of Attornies. (a)

I. **W**HEREAS the Act of Assembly made in the first Year of his Majesty's Reign, intituled *An Act for regulating the Practice of Attornies*, will expire at the End of this present Session of Assembly, and it being necessary that the said Act should be continued: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that the said recited Act of Assembly shall continue and be in Force, from and after the Expiration aforesaid, for and during the Term of three Years, and from thence to the End of the next Session of Assembly.

C H A P. XI.

An Act for the Relief of such Persons as have been prevented from recording Deeds, and other Instruments, within the Time prescribed by Law, by the Occlusion of the Courts of Justice, during the Confusion lately created by the Act of Parliament for imposing Stamp Duties in America. (b)

I. **W**HEREAS the several Courts of this Colony were either omitted to be held, or when held refused to admit the Acknowledgment or Proof of Deeds for conveying Lands, Slaves, or other Estate, which by Law are required to be recorded within eight Months from the Date thereof, during all the Time from the first Day of *November* one Thousand seven Hundred and sixty five until the first Day of *June* one Thousand seven Hundred and sixty six, by Reason whereof the Titles claimed under such Deeds as could not by this Means be recorded within the Time by Law directed may be drawn into Dispute; and although such Purchasers might have relieved themselves by taking new Deeds, yet many Persons, through Ignorance or Mistake, may have omitted to use such Precaution: For Remedy herein, *Be it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that all Deeds, and other Conveyances of Lands, Slaves, or other Estate, made according to the Directions of the several Acts of Assembly relating thereto, which bear Date at any Time within eight Months next before the said first Day of *November* one Thousand seven Hundred and sixty five, and also all Deeds and other Conveyances of Lands, Slaves, or other Estate so made, which bear Date at any Time between the first of *November* one Thousand seven Hundred and sixty five and the first of *June* one Thousand seven Hundred and sixty six, and which shall be acknowledged by the Parties, or proved as the said Acts require, and recorded within eight Months from the first Day of *March* next, shall be as effectual for passing the Estate thereby conveyed as if such Deed had been recorded within eight Months from the Date thereof, any Thing in the said Laws to the contrary notwithstanding.

(a) See 1 Geo. 3. (1761) Cap. 3.

(b) See 22 Geo. 2. (1748) Cap. 1.

C H A P. XII.

An Act for continuing an Act intituled An Act for increasing the Rewards for killing Wolves within certain Counties, to be paid by the Counties wherein the Services shall be performed. (a)

I. **W**HEREAS the Act passed in the fifth Year of his present Majesty's Reign, intituled *An Act for increasing the Rewards for killing Wolves within certain Counties, to be paid by the respective Counties wherein the Services shall be performed*, will expire on the first Day of June in the Year one Thousand seven Hundred and sixty eight, and it is necessary that the said Act (except so much thereof as relates to the Counties of *Buckingham, Fauquier, and Loudoun*) should be further continued: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that the said Act (except as to the said Counties of Buckingham, Fauquier, and Loudoun) shall continue and be in Force, from and after the said first Day of June, for and during the Term of two Years, and no longer.*

II. *AND be it further enacted, that so much of the said recited Act as relates to the said Counties of Buckingham, Fauquier, and Loudoun, be, and the same is hereby repealed and made void.*

C H A P. XIII.

An Act for appointing a Treasurer.

I. **W**HEREAS by one Act of the General Assembly, made in the second Year of his Majesty's Reign, *John Robinson, Esquire*, was appointed Treasurer of the Revenues arising from the Duties on Liquors and Slaves, and of all other publick Money payable to the Treasurer of this Colony for publick Uses, by Virtue of any Act or Acts of Assembly; and the said *John Robinson* departing this Life since the last Session of Assembly, after his Death his Majesty's Lieutenant Governor, in Pursuance of the Power and Authority to him given by the said recited Act, was pleased to appoint *Robert Carter Nicholas, Esquire*, to be Treasurer until the End of this Session of Assembly; and it being expedient that a Treasurer should be appointed for receiving the Revenues arising from the Duties on Liquors and Slaves, and all other publick Money payable into the Treasury of this Colony: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that from and after the End of this present Session of Assembly Robert Carter Nicholas, Esquire, shall be, and is hereby nominated, constituted, and appointed Treasurer of the Revenues arising from the Duties on Liquors and Slaves, and of all other publick Money payable into the Treasury of this Colony for publick Uses, by Virtue of any Act or Acts of Assembly, to hold the said Office during the Continuance of this present General Assembly, and afterwards to the End of the next Session of Assembly; and the said Robert Carter Nicholas, Esquire, is hereby authorized, empowered, and required to demand, receive, and take, of and from the several Collectors of the said Duties, all and every the Sum and Sums of Money arising by Force and Virtue of the said Acts, or any or either of them, and shall apply and utter the same to and for such Uses only, and on such Warrants, as by the said Acts for laying the*

(a) See 5 Geo. 3. (1764) Cap. 11.

A. D. 1766.

faid Duties, or by any other Act or Acts of Assembly, is or shall be appointed or directed, and shall be accountable for the faid Money to the General Assembly. And the faid *Robert Carter Nicholas*, Esquire, is hereby authorized and empowered to demand and receive of the Administrators of the faid *John Robinson* the Sum of five Thousand six Hundred and seven Pounds three Shillings and elevenpence, now stated and found to be due from him for the Balance of the Revenue arising from the Duties on Liquors and Slaves; and also the Sum of two Thousand five Hundred Pounds, for the Balance remaining in his Hands of the Money appropriated for the *Indian Trade*.

II. *AND be it further enacted, by the Authority aforesaid*, that the Salary of five Pounds in the Hundred, or so much as is or shall be by any Act or Acts of Assembly allowed and limited, and so proportionably for a greater or less Sum, shall be allowed and paid to the Treasurer hereby appointed, out of all and every the Sum and Sums of Money by him received and accounted for to the General Assembly as aforesaid; and that there shall be also allowed to the faid Treasurer, for auditing and settling the Accounts of Inspection of Tobacco, during the Continuance of the Laws in that Behalf made, the Sum of one Hundred Pounds *per Annum* for his Trouble and Service therein. And to the End a Treasurer may not be wanting, in Case of the Death, Resignation, or Disability of the Treasurer hereby appointed, *Be it further enacted*, that in either of these Cases it shall and may be lawful for the Governour, or Commander in Chief of this Colony, with the Advice of the Council for the Time being, to appoint some other fit and able Person to be Treasurer of the Duties, to hold the faid Office, with all Powers, Authorities, Salaries, and Profits aforesaid, until the End of the next Session of Assembly, and no longer.

III. *AND be it further enacted*, that the faid *Robert Carter Nicholas*, Esquire, or the Treasurer for the Time being appointed pursuant to this Act, shall not be capable of executing the faid Office of Treasurer until he hath given Bond, payable to his Majesty, his Heirs and Successors, with such sufficient Sureties as shall be approved of by the Governour or Commander in Chief of the Colony, in the Sum of one Hundred Thousand Pounds, for the due answering and paying all the Money by him from Time to Time received as aforesaid; to be recovered, upon a Breach thereof, on the Motion of the succeeding Treasurer, in any Court of Record, for the publick Use, provided that ten Days Notice be given in Writing of such Motion. And, moreover, the faid Treasurer, before he enters into his faid Office, shall take an Oath before the Governour, or Commander in Chief of this Colony, to the Effect following, *viz. I do swear that, to the best of my Judgment, I will truly and faithfully execute the Office of Treasurer, in all Things, according to the true Intent and Meaning of the Act of Assembly intituled An Act for appointing a Treasurer. So help me GOD.*

IV. *AND be it further enacted*, that the faid Treasurer shall keep, in a Book or Books to be provided for that Purpose, at the publick Charge, true, faithful, and just Accounts of all the Money by him received from Time to Time on the respective Duties, Taxes, and Impositions, by Virtue of any Act or Acts of Assembly, and also of all such Sum and Sums of Money as he shall pay out of the Treasury pursuant to any Act or Resolution of Assembly; which Accounts shall be so kept as that the neat Produce of the several and respective Duties, Taxes, and Impositions, and the Money paid out of the Treasury for every particular Service, may appear separate and distinct from each other.

V. *AND be it further enacted*, that if the faid Treasurer, or the Treasurer for the Time being, shall divert or misapply any Part of the Money paid into the Treasury for the publick Use, contrary to the Directions of the Acts of Assembly by which the same is raised, then the faid Treasurer, for such Offence, shall forfeit his Office, and be incapable of any Office or Place of Trust whatsoever, and,

moreover, shall be liable to pay double the Value of any Sum or Sums of Money so diverted or misapplied; to be recovered, for the publick Use, by Motion of the succeeding Treasurer, in any Court of Record, provided ten Days Notice be given in Writing of such Motion. A. D. 1766.

VI. *AND be it further enacted*, that *Lewis Burwell, George Wytbe, John Blair the younger, John Randolph, and Benjamin Waller*, Esquires, or any three of them, be, and they are hereby appointed a Committee to examine, in the Months of *June and December*, in every Year, into the State of the Treasury; and the said Treasurer is hereby required to lay before the said Committee, at the Times aforesaid, all the Accounts of the Treasury, and produce the Money in his Hands, and thereupon the said Committee shall cause all the Treasury Notes which shall appear to have been received for the Duties, Taxes, and Impositions, appropriated for the Redemption of Treasury Notes, to be burnt and destroyed in their Presence, and shall give a Certificate thereof to the said Treasurer, who shall be allowed for the same in his Account. And the said Committee shall moreover cause to be published in the *Virginia Gazette*, after each Examination, the Amount of the Notes so burnt, and also of the Sums paid into the Treasury in the preceding Half Year, by the several Collectors of the Duties, Taxes, and Impositions aforesaid; and if the said Committee shall discover that any Sum or Sums of Money paid into the Treasury upon the Duties, Taxes, and Impositions aforesaid, hath or have been diverted to any Use or Uses contrary to the Direction of the Acts of Assembly by Virtue whereof the said Duties, Taxes, and Impositions, were raised, the said Committee shall certify the same to the next Session of Assembly.

C H A P. XIV.

An Act for continuing and amending an Act intituled An Act for amending the Staple of Tobacco, and for preventing Frauds in his Majesty's Customs. (a)

I. **W**HEREAS the Act passed in the fifth Year of his present Majesty's Reign, intituled *An Act for amending the Staple of Tobacco, and for preventing Frauds in his Majesty's Customs*, will expire on the first Day of October next, and it is necessary and expedient that the said Act should be further continued, with Amendments: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same*, that from and after the first Day of October next it shall and may be lawful for the Proprietors of the publick Warehouses, or any other Person or Persons, by and with the Consent of the said Proprietors, at any of the said Places by the said recited Act established for the Reception of Tobacco, to erect and build such and so many substantial Houses as shall be sufficient for the Reception of all Tobacco which the Owners of the same, after the Inspection thereof, shall think fit to remove from any publick Warehouses to the Houses so as aforesaid to be built.

Additional Houses may be built at Warehouse.

II. *AND be it further enacted*, that the Inspectors at any publick Warehouse, before they deliver any Tobacco thereat inspected to be removed as aforesaid by Order of the Owner or Owners of the same, shall make out a Manifest, expressing the Marks and Numbers of every Hoghead, and the tare and nett Weight thereof, and to what Warehouse the same was removed by Order of the Owner or Owners thereof, which Manifest shall be delivered by the Skipper

Inspectors to make out a Manifest of Tobacco removed.

(b) See 5 Geo. 3. (1764) Cap. 4.

A. D. 1766. carrying the Tobacco to the Inspectors of the Warehouses to which such Tobacco shall be removed.

And to keep
a Book, &c.

III. *AND be it enacted, by the Authority aforesaid,* that the Inspectors to whom such Tobacco shall be delivered shall receive the same into the Warehouses so to be erected for its Reception, and shall enter in a Book to be kept for that Purpose the Marks, Numbers, gross, nett Weight, and tare, of all Tobacco so received as aforesaid, and in what Ship or Vessel the same shall be laden or put on Board; and shall also, with every Sloop or Vessel loaded with such Tobacco, send a List of the Marks, Numbers, gross, nett Weight, and tare, of every Hoghead of Tobacco then delivered; and shall, moreover, express in such List that the said Tobacco is reloaded Tobacco, and the Name of the Warehouse from whence the same was brought.

The Oath of
the Skipper re-
ceiving such
Tobacco.

IV. *PROVIDED always,* that the Skipper of every Vessel, receiving on Board any Tobacco so as aforesaid to be removed from one publick Warehouse to another, shall take the following Oath: *I do swear that I will faithfully, to the best of my Power, deliver the Tobacco by me taken on Board from* Warehouse to the Inspectors at which Oath any Inspector is hereby empowered to administer.

Inspectors for
reloaded To-
bacco to receive
Sixpence per
Hhd.

V. *AND be it further enacted, by the Authority aforesaid,* that the Inspectors receiving such reloaded Tobacco shall, for their Trouble, be paid by the Owner or Owners of the same Sixpence current Money, and no more, for every Hoghead of Tobacco so as aforesaid received and delivered.

Nomony and
Stratford
Warehouses to
be under one
Inspection, and
the Salary of
Inspectors.

VI. *AND be it further enacted, by the Authority aforesaid,* that the Warehouses at Nomony, on both Sides the River, and the Warehouse at Stratford Landing, on Potowmack River, both in the County of Westmoreland, shall after the passing of this Act be under one Inspection, and that each of the Inspectors thereat shall receive forty Pounds a Year Salary.

Salary of In-
spectors at
Noble's.

VII. *AND be it further enacted, by the Authority aforesaid,* that from and after the twentieth Day of October next the Inspectors at Noble's Warehouse, in Prince George County, shall receive a Salary of thirty Pounds current Money each, and the Inspectors at Milner's Warehouse a Salary of forty Pounds each, and no more.

Duty of In-
spectors.

VIII. *AND for the more effectual Prevention of Frauds in shipping uninspected Tobacco,* and in the not regularly entering and reporting at the Naval Offices Tobaccos shipped from the Warehouses, *Be it further enacted,* that the several Inspectors of Tobacco in this Colony shall annually, at the Time of settling their Accounts with the Treasurer, deliver to him an Account, upon Oath, of all the Tobacco shipped from their respective Warehouses within the Year preceding, containing the Number of Hogheads sent on Board each Ship or Vessel respectively; and every Inspector failing herein shall forfeit and pay the Sum of twenty Pounds. And that the several Naval Officers shall, on or before the twenty fifth Day of October annually, return to the said Treasurer an Account, upon Oath, of all the Tobacco on Board each Ship or Vessel which shall have been cleared out in such Naval Officer's District in the preceding Year, according to the Manifests thereof, delivered by the Master of such Ship or Vessel at the Time of clearing, distinguishing the Number of Hogheads put on Board such Ship or Vessel from each respective Warehouse; and every Naval Officer failing herein shall forfeit and pay the Sum of twenty Pounds for every Failure, which several Penalties shall be recovered and appropriated as in the said recited Act is directed for the Penalties therein inflicted and not particularly appropriated.

Naval Offi-
cers Duty.

A. D. 1766.
 Additional
 Inspector.

IX. *AND be it further enacted, by the Authority aforesaid,* that where any Person hath heretofore obtained a Commission to be an additional Inspector at any Warehouse, according to the Directions of the said recited Act, and upon the Death or Removal of one of the Inspectors at such Warehouse hath, through Mistake, entered upon the Duty of a principal Inspector, without obtaining a new Commission for that Office, every such Person shall be indemnified in all and every Thing by him done or to be done in the Execution of his Office, and shall be subject to all Penalties for Breach of Duty, and entitled to all Salaries, Commissions, and Advantages resulting from the said Office, in the same Manner, and not otherwise, as if he had obtained a new Commission at the Time of his succeeding to the said Office of principal Inspector, provided that such Person hath already given, or shall, within six Months after the passing this Act, enter into Bond, with good Security, for the due Performance of his Office. But for the future no additional Inspector shall enter upon, or discharge the Duty of a principal Inspector, on a Vacancy happening as aforesaid, until he hath obtained a new Commission, given Bond with sufficient Security, and taken the Oath required by the said Act.

X. *AND be it further enacted, by the Authority aforesaid,* that if any Tobacco hath remained, or shall hereafter remain undemanded, in a publick Warehouse, three Years after the same is inspected, the Inspectors at such Warehouse shall advertise, in the *Virginia Gazette*, a List of the Marks, Numbers, Weights, and Names of the Proprietors of such Tobacco; and if no Owner appears to claim the same within six Months, they shall, at the next Court to be held for the County in which such Warehouse shall be, after the Expiration thereof, deliver to the said Court the like List, which Court is hereby empowered and required to order the same to be sold publicly at the Courthouse Door, on a Court Day, to the highest Bidder, and the Money arising from the Sale thereof shall be paid by the Inspectors to the Treasurer of this Colony for the Time being, who shall account for the same, from Time to Time, to the General Assembly. And if any Person having a Right to any Tobacco so sold shall prove his Property therein, the said Treasurer shall repay to such Person the Money for which such Tobacco was sold.

Where Tobacco is not demanded.

XI. *AND be it further enacted, by the Authority aforesaid,* that the Inspectors at the several Warehouses in this Colony shall publicly put up at the Courthouse of their County, on the *September Court Day* in every Year, a List of all Tobacco that shall remain in the Warehouses at that Time, expressing in such List the Weights, Numbers, and Proprietors Names of such Tobacco.

Inspectors to publish a list of Tobacco remaining in Warehouses.

XII. *AND be it further enacted, by the Authority aforesaid,* that it shall not be lawful for any Person whatsoever to erect or build, or cause to be erected or built, any wooden Chimney within two Hundred Yards of any publick Warehouse in this Colony; and where any wooden Chimnies are already built within the Distance aforesaid from any publick Warehouse, the Owner or Proprietor of the said Chimnies shall pull down the same, or on Refusal or Neglect so to do, in three Months after the passing of this Act, it shall and may be lawful for the Sheriff of the County, and he is hereby required, to cause such Chimnies to be pulled down and demolished.

Wooden Chimnies prohibited near Warehouses.

XIII. *AND be it further enamed, by the Authority aforesaid,* that no Picker shall demand or receive more than eight Pounds of Tobacco for every Hundred, and so in Proportion for a greater or smaller Quantity, which he shall pick out of any Hoghead or Parcel of refused Tobacco, and which shall be afterwards passed by the Inspectors; and no Picker shall hereafter presume to make Use of the Prizes erected at the publick Warehouses, for the Use of the Publick, by the Proprietor, or the County: And every Picker in either Case offending, upon

Pickers:

A. D. 1766.

Complaint made to the Court of the County where such Offence shall be committed, and being thereof convicted shall be immediately removed, and shall be for ever rendered incapable of serving as a Picker at any of the Warehouses in this Colony.

Proceedings
against Pickers.

XIV. *AND be it further enacted*, that any Person who shall be aggrieved by any such Misbehaviour in a Picker may make Complaint thereof to any Justice of the Peace, who is hereby directed and empowered to take Depositions thereon, and to transmit the same to the next Court to be held for the County where the Offence shall be committed, to be there given in Evidence; and such Court shall proceed to hear and determine the same, provided such Picker shall have ten Days Notice thereof.

As to the
Tender of
Transfer Re-
ceipts.

XV. *AND* whereas some Disputes have arisen on the Tender of Transfer Receipts after the Tobacco for which such Receipts were given had been sold by the Inspectors, agreeable to the Act in that Case made and provided, *Be it enacted, by the Authority aforesaid*, that no Tender of any Transfer Receipts, after the Time the Tobacco has been sold by the Inspectors, shall be adjudged legal.

Number of
Hands at Ware-
houses.

XVI. *And be it further enacted, by the Authority aforesaid*, that the Courts of the several Counties of Surry, Prince George, Dinwiddie, Chesterfield, Henrico, Hanover, Spotsylvania, King George, and Prince William, respectively, shall annually, in the Month of September, or at the next succeeding Court, limit and direct what Number of Hands shall be kept by the Inspectors, as well for the turning up, opening, and securing all Tobacco brought to their Warehouse to be viewed, as to discharge the other Business required to be done by such Inspectors at each Warehouse within their County herein particularly mentioned, that is to say: At Cabin Point, in the County of Surry; at Blandford, in the County of Prince George; at Robert Bolling's, and Bollingbroke, in the County of Dinwiddie; at John Bolling's, Osborne's, Warwick, and the Rocky Ridge, in the County of Chesterfield; at Shockoe's and Byrd's, in the County of Henrico; at Page's, Meriwether's, and Crutchfield's, in the County of Hanover; at Fredericksburg, and Royston's, in the County of Spotsylvania; at Falmouth, and Dixon's, in the County of King George; and at Quantico, in the County of Prince William. And the several Inspectors at each of the said Warehouses shall constantly keep and employ the Number of Hands so limited and appointed respectively, and shall open, view, and secure all Tobacco brought to their Warehouse, as soon as the same can be reasonably done, under the Penalty of twenty five Shillings for every Neglect; to be recovered, with Costs, before any Justice of the Peace in the County where the Offence shall be committed. And such Inspectors shall respectively be allowed by the Treasurer, in their Accounts, the Sum of fifteen Pounds annually for each Hand so limited, and by them employed, above the Number of two.

What is to be
paid to the In-
spectors on de-
livering Hog-
heads of To-
bacco in Lieu
of Transfer Re-
ceipts.

XVII. *AND be it further enacted, by the Authority aforesaid*, that for every Hoghead of Tobacco delivered by the Inspectors, in Lieu of Transfer Receipts; the Person receiving the same shall pay to the said Inspectors five Shillings and Sixpence for the Inspection and Nails, and no more, to be paid as in the said Act is directed.

Continuance.

XVIII. *AND be it further enacted, by the Authority aforesaid*, that the said recited Act, and every Clause and Article therein, except as to so much thereof as is contrary to this Act, together with the several Clauses herein contained, shall continue and be in Force, from and after the said first Day of October next, for and during the Term of two Years, and no longer.

C H A P. XV.

An Act for laying an additional Duty upon Slaves imported into this Colony. (a)

C H A P. XVI.

An Act for applying to the Aid of the publick Fund the Surplus of the Money which shall remain in the Hands of the Treasurer, after paying the Expenses of the Militia, according to the Directions of an Act passed in the last Session of Assembly for raising a publick Levy, and for other Purposes therein mentioned.

I. **W**HEREAS by one Act of the General Assembly, passed in the fourth Year of his present Majesty's Reign, *For raising a publick Levy, and for other Purposes therein mentioned*, large Quantities of Tobacco were levied upon the Inhabitants of this Colony, as Depositums in the Hands of the Sheriffs of the several Counties, to be by them sold and accounted for to the Treasurer of this Colony, for defraying the Expenses of the Militia drawn out into actual Service, for the Defence and Protection of the Frontiers.

II. **A**ND whereas, upon settling the Accounts of the said Militia, it appears there will be a large Balance, unappropriated, remaining in the Hands of the Treasurer, * of the Money arising by the Sales of the said Tobacco, after the said Expenses of the Militia are discharged, *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same*, that the Treasurer of this Colony shall, and he is hereby required to apply all the Monies arising on the said Balance, after the Expenses of the Militia as aforesaid are defrayed, in Aid of the Fund established for defraying the publick Charges of this Dominion. And whereas by one other Act, made in the fourth Year of his present Majesty's Reign, for amending the above recited Act, it was, among other Things, enacted that the several Sheriffs or Collectors should pay the several Sums of Money by them to be received in Pursuance of the said Act to the Treasurer, on or before the tenth Day of *October* then next, or Judgment should be given in the General Court against such Sheriff or Collector, and their Securities, his or their Executors or Administrators, the twelfth Day of the said Month, without further Notice, for the Money so received, in Case an Account of such Money should be rendered, but if no such Account should be rendered, then for the Penalty of the Bond given by such Sheriff or Collector.

* And in the Roll.

III. **A**ND whereas, on settling the publick Accounts, there appear to be large Quantities of Tobacco, and Sums of Money, due from several of the Collectors, and many of the Purchasers of the publick Tobacco sold in Pursuance of the said Act, for which Judgments have not yet been obtained, *Be it therefore enacted, by the Authority aforesaid*, that it shall and may be lawful for the General Court, upon a Motion to them made by the said Treasurer, on ten Days Notice, to give Judgment against every such Purchaser, Sheriff, or Collector, his or their Securities, Heirs, Executors, or Administrators, respectively, on their respective Bonds, with full Costs; and if Execution shall issue on any such Judgment, the Sheriff, or Officer serving the same, shall not take any Sureties for Payment of the Money

(a) This Act was repealed by his Majesty after the Chapters of this Session had been numbered; and the Committee thought it best to let the Title and Chapter stand, to prevent Confusion in the References.

A. D. 1766. or Tobacco at a further Day, but shall levy the same immediately. And for the better Direction of such Sheriff, or Officer, the Clerks shall endorse upon the Back of every such Execution that no Security is to be taken.

C H A P. XVII.

An Act for the Punishment of Persons who shall aid or assist Prisoners for Debt to escape, or attempt to escape, out of Prison. (a)

C H A P. XVIII.

An Act to continue and amend the Act for the better regulating and disciplining the Militia. (b)

* It should
be thirtieth.

Certain Per-
sons exempted
from mustering.

I. **W**HEREAS the Act of Assembly made in the * thirteenth Year of the Reign of his late Majesty King George the second, intituled *An Act for the better regulating and disciplining the Militia*, which was continued by two other Acts made in the thirty second Year of his said late Majesty's Reign, and in the third Year of his present Majesty's Reign, will expire on the eighth Day of June next, and it is expedient that the same should be further continued, with Amendments: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same*, that from and after the passing of this Act the several Persons herein after mentioned shall be, and they are hereby declared to be free and exempt from appearing or mustering either at the private or general Musters of their respective Counties, that is to say: All his Majesty's Justices of the Peace within this Colony who have qualified themselves for their Office by taking the Oaths by Law appointed to be taken by Justices of the Peace, and who are really and *bona fide* acting Justices of their respective Counties (except such as do now, or hereafter shall, bear any Commission as Officers of the Militia in their respective Counties) all Persons bred to and actually practising Physick or Surgery, all the People called *Quakers*, and all Inspectors at the publick Warehouses appointed for the Inspection of Tobacco; and they shall not be subject or liable to any Fine, Forfeiture, or Penalty, for absenting themselves from the private or general Musters of their respective Counties.

Persons ex-
empted (not
being *Quakers*)
to provide
Arms.

II. *PROVIDED* always, that the Persons so exempted (not being *Quakers*) shall provide complete Sets of Arms, as are by the said Act required for Soldiers, for the Use of the County, City, or Borough, wherein they shall respectively reside; and if they shall fail or refuse so to do, within one Year after the passing of this Act, then it shall and may be lawful for the Courts of the several Counties, City, or Borough, wherein the Persons before mentioned shall reside, and they are hereby empowered and required, to levy the Value of such Arms on each of them respectively.

Except
where they have
already found
Arms.

III. *PROVIDED* also, that nothing herein contained shall be construed to oblige any of the Persons exempted from mustering as aforesaid, who have already provided Arms for the Use of the County, City, or Borough, wherein they reside, according to the Directions of the said Act.

(a) This Act was likewise repealed by his Majesty, but the Title stands for the same Reason as Cap. 15.

(b) See 30 Geo. 2. (1757) Cap. 2.

A. D. 1766.

IV. *AND* be it further enacted, by the Authority aforesaid, that the Lieutenant, or chief Commanding Officer of the Militia in every County, shall list all male Persons of the People called *Quakers* above the Age of eighteen Years, and under the Age of sixty Years, within his County, under the Command of such Captain as he shall think fit; and if upon any Invasion or Insurrection the Militia of the Counties to which such *Quakers* belong shall be drawn out into actual Service, and any *Quaker* so enlisted shall refuse to serve or provide an able and sufficient Substitute in his Room, if thereto required by the Lieutenant or chief Officer of the Militia of his County, in such Case every *Quaker* so refusing to serve, or provide a Substitute as aforesaid, shall forfeit and pay the Sum of ten Pounds, to be recovered before any Justice of the Peace of the County, upon the Complaint of such Lieutenant or chief Officer, and to be levied by Distress and Sale of the Estate of the *Quaker* so refusing, which Sum shall be applied by the said Lieutenant or chief Officer towards providing a Substitute in the Room of the *Quaker* upon whom the same shall be levied as aforesaid.

In Cases of
Invasion or In-
surrection
Quakers to
serve in Militia,
or provide
Substitutes.

V. *PROVIDED* always, that the Number of *Quakers* required by the Lieutenant or chief Officer of any County, to serve or find Substitutes as aforesaid, shall not exceed the Proportion the whole Number of *Quakers* bear to the whole Number of the other Militia upon the Muster Rolls of the said County.

In Proportion
to the Numbers
drawn into
Service.

VI. *PROVIDED* also, and be it further enacted, by the Authority aforesaid, that no *Quaker* shall be exempted from appearing at Musters as aforesaid until he shall produce to the Lieutenant or chief Officer of the Militia of his County a Testimonial or Certificate from the monthly Meeting to which he belongs that he is really and *bona fide* one of the People called *Quakers*, and is acknowledged and received by them as a Member of their Society; and if at any Time any Person calling himself a *Quaker* shall be excommunicated or excluded from the said Society, the monthly Meeting to which such excluded Person did belong shall, within three Months after such Exclusion, cause the same to be certified to the Lieutenant or chief Officer of the Militia of the County, and thereupon the Person so excluded shall be deprived of the Exemption from appearing at Musters as aforesaid, and shall be subject to the Fines and Penalties inflicted by the said recited Act for not appearing at Musters.

Quakers to
produce Certi-
ficate.

Excommu-
nication to be
certified, and
Quakers ex-
communicated
deprived of Ex-
emption.

VII. *AND* be it further enacted, by the Authority aforesaid, that every Person so exempted (not being a *Quaker*) shall always keep in his House, or Place of Abode, such Arms, Accoutrements, and Ammunition, as are by the said Act required to be kept by the Militia of this Colony; and if he shall fail or refuse so to do he shall forfeit and pay the Sum of five Pounds, to be levied and assessed on him in the same Manner as the several Fines and Forfeitures inflicted by the said Act are directed to be levied and assessed: And such Exempts shall also, in Case of any Invasion or Insurrection, appear with their Arms and Ammunition at such Place as shall be appointed by the Commanding Officer of the Militia of their respective Counties, Cities, or Boroughs, and shall then be incorporated with, and be subject to, the same Discipline, Rules, and Orders, and also the same Fines, Forfeitures, and Penalties, for non appearing, or Misbehaviour, as the other Militia of this Colony are subject to.

Exempts
(not being
Quakers) to
keep Arms, &c.,
and in Case of
Invasion or In-
surrection to
appear with
Arms, &c.

VIII. *AND* be it further enacted, by the Authority aforesaid, that from and after the passing of this Act the Lieutenant, or chief Commanding Officer of the Militia of the several Counties of this Colony, and also of the City of *Williamsburg* and Borough of *Norfolk*, shall cause a general Muster of the several Companies of their Militia once only in every Year, to be in the Months of *March* or *April*; and that a general Court Martial shall be held, in the Manner by the said Act prescribed, on the Day next following the said general Muster, if fair if not, the next fair Day: And if any Soldier shall, at any general or private Muster, re-

General
Musters to be
once only in
every Year,

Courts Mar-
tial.

A. D. 1766.

use to perform the Command of his Officer, or behave himself refractorily or mutinously, or misbehave himself at such Court Martial, he shall forfeit and pay the Sum of forty Shillings current Money, to be applied to the same Uses as the other Fines and Forfeitures inflicted by the said Act; or it shall and may be lawful to and for the chief commanding Officer then present to cause such Offender to be tied Neck and Heels, for any Time not exceeding five Minutes, and shall not inflict any other corporal Punishment.

Sergeant of
Williamsburg, or
Sheriffs of York
and James City,
empowered to
receive and
collect Fines.

IX. AND whereas it hath been doubted whether the Sheriffs of York and James City are by Law obliged to obey the Orders of the Court Martial of the said City of Williamsburg, in receiving or collecting the Fines to which the Inhabitants of the said City may be subject by Virtue of the said Act, *Be it therefore enacted, by the Authority aforesaid,* that from and after the passing of this Act it shall and may be lawful to and for the Court Martial to be held in Pursuance of the said Act to order and direct either the Sergeant of the said City, or the Sheriffs of the said Counties of York and James City, to receive and collect all such Fines as shall be inflicted and ordered to be levied by them on such of the Inhabitants of the said City as shall reside in their respective Precincts; and thereupon the said Sergeant or Sheriff, respectively, shall proceed in the same Manner to collect such Fines, and shall be accountable for them to the Court Martial of the said City, and shall be subject and liable to the same Prosecution in Case of their failing, neglecting, or refusing to collect the said Fines, as are prescribed, directed, and appointed, in the like Cases, for the Counties in this Colony.

Continuance.

X. AND *be it further enacted, by the Authority aforesaid,* that this Act, together with the said recited Act (except so much thereof as comes within the Purview of this Act) shall continue and be in Force, from and after the passing of this Act, for and during the Term of four Years, and from thence to the End of the next Session of Assembly.

C H A P. XIX.

An Act for the Preservation of the Breed of Cattle. (a)

Preamble.

I. **W**HEREAS it is represented to this General Assembly that the Inhabitants of this Colony have sustained great Damage in the Loss of their Stocks of Cattle, by Reason of distempered Cattle being brought into and carried through this Colony from the Provinces of North and South Carolina: For Prevention whereof, *Be it enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that from and after the last Day of April next, and during the Continuance of this Act, every Person intending to drive any Cattle within this Colony (except such as shall be brought from Great Britain) shall, immediately upon his Arrival within this Colony, apply to a Justice of the Peace, and deliver to him an Account of the Number of Cattle in his Drove; and such Justice shall and may, and is hereby required to administer to the Person so applying the following Oath, to wit: *I A. B. do solemnly swear that I have known all the Cattle now by me brought into the Colony of Virginia for the Space of twenty Days last past, and that none of them, to my Knowledge or Belief, are now, or have been, affected with any contagious Distemper within that Time.* So help me God. And thereupon such Justice shall immediately issue his Warrant, directed to any two Freeholders within his County, who being first sworn diligently to inquire into the Condition and Health of the said Cattle shall view the same, and make due Report thereof to the said Justice as soon as may be; and if such Viewers shall report that the same

Manner of
obtaining Bill
of Health.

(a) See 22 Geo. 2. (1748) Cap. 34.

are, to their Belief, free from every contagious Distemper, such Justice shall thereupon immediately give the Driver of such Cattle a Certificate, or Bill of Health for the same, expressing therein the Number of Cattle, together with a Description of the Drivers attending them. And if any Justice shall grant a Certificate, or Bill of Health, contrary to the Directions of this Act, such Justice shall forfeit and pay the Sum of ten Pounds; to be recovered, by an Action of Debt, in any Court of Record within this Colony, by and to the Use of any Person who will sue for the same. A. D. 1766.

II. AND for Prevention of all unnecessary Delays in obtaining proper Certificates, or Bills of Health as aforesaid, *Be it enacted, by the Authority aforesaid*, that every Viewer, to whom any Justice shall direct his Warrant for the Purposes afore mentioned, shall immediately obey the same in Manner as is before directed; and every such Viewer or Justice failing to comply with his or their respective Duties by this Act required shall forfeit and pay to the Driver, for the Use of the Proprietor of the said Cattle, the Sum of twenty Shillings each, to be recovered and levied in the same Manner as Debts under twenty five Shillings are by Law now recovered and levied; and shall, moreover, be liable to the Action of the Party aggrieved for any Loss which may be sustained by Reason of such Neglect or Failure in their respective Duties as aforesaid. Penalties on Justice of Peace and Viewer.

III. *PROVIDED* always, where any such Viewer shall be rendered incapable, by any legal Disability, such Justice, on Notice, shall immediately direct the said Warrant to other Freeholders, who shall obey the same in Manner, and under the like Penalties, as are herein before mentioned. And every such Justice or Viewer, for the several Duties aforesaid, shall be entitled to receive the Sum of five Shillings each, to be paid to them respectively by the Driver before he shall obtain such Certificate, or Bill of Health as aforesaid. Viewers rendered incapable by Disability, others to be appointed.

IV. AND for the more effectual Prevention of distempered Cattle being drove through this Colony, *Be it enacted, by the Authority aforesaid*, that from and after the said last Day of *April* next, and during the Continuance of this Act, it shall not be lawful for any Person to bring any Cattle into this Colony from any Place whatsoever (except from *Great Britain*) without having obtained a Certificate, or Bill of Health, according to the Directions of this Act. And that every Driver passing through this Colony shall be obliged to produce a Certificate, or Bill of Health, to any Freeholder demanding to see the same; and if such Driver shall refuse to produce the same, when demanded, it shall be presumed that the said Cattle are illegally brought into this Colony, and on Information made, upon Oath, by any Freeholder of the said County, that such Drivers have refused to produce such Certificate, or Bill of Health, it shall and may be lawful for any two Justices of the Peace (whereof one to be of the Quorum) for the County through which such Cattle are passing, and they are hereby required to issue their Warrant, directed to the Sheriff, Under Sheriff, or Constable of the said County, to apprehend and bring the Drivers of such Cattle before them, to answer the said Complaint: And if such Driver shall not then produce a Certificate, or Bill of Health as aforesaid, such Drivers shall forfeit and pay the Sum of five Shillings for each Head of Cattle by them driven as aforesaid, the one Half to be paid to the Informer, and the other Half to be applied towards lessening the County Levy; and on Failure to pay the same down, or to give good Security to pay the same within three Months, it shall and may be lawful for such Justices, and they are hereby required, to commit such Drivers to the publick Gaol of their County, there to remain till the said Forfeiture is paid. Proceedings against Drivers refusing to produce Bill of Health.

V. *PROVIDED* nevertheless, that it shall be lawful for such Drivers to appeal from such Judgment of such two Justices to the next Court to be held for the said County, upon giving Bond, with good Security, in double the Sum so recovered against them before such two Justices, to prosecute such Appeal with Appeal;

E e e e e

A. D. 1766.

Effect, and to pay and satisfy all Costs and Charges, together with the Sum so recovered against them, in Case such Judgment of the two Justices shall not be reversed by the said County Court, or by the General Court, in such Cases where the Sum so recovered shall amount to more than ten Pounds current Money.

How a Bill
of Health to be
obtained after
Conviction.

VI. *BE it further enacted*, that after such Justices shall have proceeded to Judgment, in Manner aforesaid, that such Drivers may then apply to such Justices, or either of them, in Manner as is before directed, to obtain a Certificate, or Bill of Health, for such Cattle; and if upon the Report of the Viewers, appointed for that Purpose, it shall appear that such Cattle are free from all infectious Disorders, such Justices shall and may, and they are hereby required to grant a Certificate, or Bill of Health, in the same Manner, and under the same Regulations, as if such Drivers had applied for the same at their first Entrance into this Colony.

Proceedings
on Informa-
tions of Cattle
being infected,
although Drivers
have Bills
of Health.

VII. *AND* whereas it may happen that Cattle which were to all Appearance free from any infectious Distemper at the Time of their entering into this Colony may notwithstanding be infected, and the Symptoms of such Distemper may break out and be discovered after the Drivers have obtained a Certificate or Bill of Health, which would be extremely injurious to the Inhabitants of this Colony, and to those of the northern Provinces: *Be it enacted, by the Authority aforesaid*, that when Information shall be made, upon Oath, by a Freeholder of any County through which such Cattle shall be passing, that he hath just Cause to suspect that some of the said Cattle are infected with a contagious Distemper, it shall be lawful for any two Justices of the said County (whereof one shall be of the Quorum) to issue their Warrant for apprehending the Drivers of such Cattle, to answer the said Complaint, and proceed to appoint Viewers, in Manner as is before directed for viewing such Cattle; and if upon such View it shall appear to the said Justices that such Complaint is frivolous, and without Foundation, the Informers shall forfeit and pay to the Drivers of such Cattle, for the Use of the Proprietors of the same, the Sum of twenty five Shillings current Money, together with the Costs attending such View, to be recovered and levied in the same Manner as Debts under twenty five Shillings by Law are now recovered and levied: But if, upon such View, it shall appear that the said Cattle are infected with any contagious Distemper, then it shall and may be lawful for such Justices to order the said Drivers immediately to kill all the Cattle in such Drove, to spoil their Skins, and bury their Carcasses at least four Feet deep, and shall adjudge such Drivers to pay to the Informer the Sum of twenty five Shillings current Money, notwithstanding such Drivers should have before obtained a Certificate or Bill of Health for such Cattle, and shall detain one of the said Drivers in Custody till such Order is complied with. And such Justices shall and may, and they are hereby required to issue their Warrant to any two or more Freeholders of their said County, to see such Order carried into Execution; and if such Driver shall not proceed to obey the said Orders within six Hours, or if such Drivers shall attempt to drive off the said Cattle, then it shall be lawful for the said Freeholders so appointed as aforesaid to kill such Cattle, spoil their Skins, and bury their Carcasses in Manner as is before directed, and they shall receive the Sum of three Shillings for each Head of Cattle so by them killed and buried as aforesaid, to be recovered and levied of such Drivers, in the same Manner that Debts under twenty five Shillings are by Law now recovered and levied. And in Case such Drivers shall escape from Justice, so that the same cannot be levied upon them, then it shall and may be lawful for such Justices, and they are hereby required to grant to such Freeholders a Certificate of the Services performed by such Freeholders; and the Justices of the said County, at the laying their next County Levy, shall levy upon the tithable Inhabitants of their said County the Sum of three Shillings, or eighteen Pounds of Tobacco, for each Head of Cattle so killed and buried as aforesaid, which shall be paid to the said Freeholders who have performed the Service aforesaid.

VIII. AND the more effectually to stop the Progress of so contagious and fatal a Distemper, *Be it further enacted, by the Authority aforesaid,* that no Inhabitant of this Colony shall permit any infectious Beast to go at large, but shall confine the same apart from the rest of his Cattle, till the same shall be perfectly recovered; and if any such, or other distempered Beast, shall die, the Owner or Overseer shall burn and bury the Carcass in Manner afore directed. And every Owner or Overseer permitting any such distempered Cattle to go at large, after he shall know the same to be infected, shall forfeit and pay the Sum of six Pounds for every such Beast so permitted to run at large; to be recovered, by Action of Debt, in any Court of Record within this Colony, by and to the Use of any Person that will sue for the same. And every Owner or Overseer neglecting to burn and bury the Carcass, as afore directed, shall forfeit and pay the Sum of twenty Shillings for every Carcass; to be recovered, levied, and applied in the Manner as other small Penalties inflicted by this Act.

A. D. 1766.

Infected
Beasts to be
confined, and
dying to be
buried with
their Hides.

IX. *PROVIDED* always, that where the Management of any Plantation shall be intrusted to the Care of an Overseer, he alone shall be liable for the Penalties incurred by the Mismanagement of distempered Cattle under his Care.

Overseers
liable.

X. *PROVIDED*, that nothing herein shall be construed to extend to either of the Counties of *Southampton, Isle of Wight, Nansemond, or Norfolk.*

Certain
Counties not
included.

XI. *AND* *be it further enacted,* that any Justice of Peace, Viewer, or any other Person, who shall be sued for any Thing by him or them done in Pursuance of this Act, may plead the General Issue, and at the Trial give this Act in Evidence.

Justice, &c.
may give this
Act in Evi-
dence on Ge-
neral Issue.

XII. AND to the End that no Person may plead Ignorance of this Act, *Be it enacted, by the Authority aforesaid,* that a Copy of this Act shall be published in the *Virginia Gazette*, on or before the twentieth Day of *April* next.

CHAP. XX.

An Act to confirm the Titles to Lands claimed by Descent or Purchase from Aliens. (a)

I. **W**HEREAS many Protestants have formerly removed into this Colony from *Germany*, and other Parts of *Europe*, and become useful Subjects to his Majesty; but, being ignorant of the Modes established for their Naturalization, have, without procuring the same, purchased Lands, some Part of which they have sold, or conveyed to their Children or other Relations, in their Lifetime, and died seized of other Part to which their Heirs have succeeded: For quieting the Titles of such Purchasers and their Heirs, *Be it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that all and every Person and Persons now seized or possessed of any Lands, the Title to which is derived to them by Descent or Purchase from such Alien, shall hold and enjoy the same in like Manner, and for such Estate and Interest therein, as if such Alien had been naturalized at the Time of such Descent or Purchase.

Preamble.

II. *PROVIDED* always, that the Execution of this Act shall be, and the same is hereby suspended, until his Majesty's Approbation thereof shall be obtained.

(a) See 4 Ann. (1705) Cap. 11. with Notes.

A. D. 1766.

C H A P. XXI.

An Act to amend an Act intituled An Act for preventing Frauds in the Customs and in clearing of Ships, for ascertaining Collectors and Naval Officers Fees, and to prohibit and prevent the casting Ballast or dead Bodies into Rivers and Creeks. (a)

I. **W**HEREAS by one Act of Assembly made in the twenty second Year of the Reign of his late Majesty King George the second, intituled *An Act for preventing Frauds in the Customs and clearing of Ships, for ascertaining Collectors and Naval Officers Fees, and to prohibit and prevent the casting Ballast or dead Bodies into Rivers or Creeks*, among other Things it is enacted that the Collectors and Naval Officers should not receive any greater Fees than are by the said Act of Assembly particularly allowed, under the Penalty of one Hundred Pounds; and whereas it is almost impossible to detect Officers who charge greater Fees than by the said Act of Assembly are allowed, unless the Officer or Officers demanding and receiving the same be obliged to give Receipts for such Fees, that it may appear what Fees are charged, *Be it enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same*, that every Naval Officer, Comptroller, and Collector, shall be obliged, on receiving any Fee or Fees, to give a Receipt to the Person paying the same, with a particular Account of the Services for which such Fees are demanded, and specifying in such Receipt whether the Vessel so entered and cleared be a free Bottom of this Colony or not, under the Penalty of ten Pounds for every Refusal; to be recovered, by Action of Debt, by any Person who shall inform against him or them, in any Court of Record within this Colony.

II. *PROVIDED* always, that the Execution of this Act shall be suspended until his Majesty's Approbation thereof be first had and obtained.

C H A P. XXII.

An Act for erecting Warehouses for the Reception of Hemp.

Preamble.

County
Courts to direct
the building of
Warehouses for
Reception of
Hemp.

I. **W**HEREAS from the Encouragement given by an Act of the Parliament of Great Britain, to Persons who shall export to any of the Ports thereof such Hemp and Flax as by the said Act is described, many Persons in this Colony have been induced to cultivate those Commodities, and the same are likely to become a very considerable Branch of Commerce; and whereas there are not proper and sufficient Storehouses for the Reception thereof, whereby the back Inhabitants of this Colony are put to great Inconvenience when they bring their Hemp and Flax to Market: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same*, that where any Storehouses for the Reception of Hemp and Flax shall be thought necessary and convenient, it shall and may be lawful for the Justices of the Court of that County wherein such Place is, and they are hereby required, on Application to them made, to cause the Owner or Proprietor of the same (and if such Owner or Proprietor be under Age, Feme Covert, or out of the Country, then the Guardian, Husband, or known Attorney or Agent, as the Case may be, of such Owner or Proprietor) to be summoned to appear before them at the next succeeding Court, there to de-

clare whether they will undertake to erect and build good and sufficient Houses for the Storage thereof; and in Case such Owner, Guardian, Husband, Attorney, or Agent, will undertake the same, then the said Court shall, and they are hereby required to take Bond, with Security, in a reasonable Penalty, payable to his Majesty, his Heirs and Successors, with Condition for the due Performance of such Undertaking; and if such Owner, Guardian, Husband, or known Attorney, or Agent, shall refuse to undertake the same, or give Bond as aforesaid, then the said Court shall, and they are hereby required and empowered to agree with some Person or Persons to erect and build good and sufficient Storehouses for the Reception and Preservation of all Hemp and Flax that shall be brought to the same, and shall certify the Charge thereof to the Treasurer of this Colony for the Time being, who is hereby directed and required to pay the same out of the publick Money in his Hands.

A. D. 1766.

II. *AND be it further enacted, by the Authority aforesaid, that the Courts of the several Counties within this Colony, wherein any Warehouse for the Reception of Hemp and Flax shall be established, shall and may, and they are hereby required to appoint a fit and able Person or Persons to have the Care and Charge of the said Warehouses, who shall give Bond, with good Security, in the Sum of two Hundred Pounds, for the faithful and due Discharge of his or their Duty, and shall take the following Oath: I A. B. do swear that I will receive all Hemp and Flax, which shall be brought dry and in good Order, into the Storehouse whereof I am Keeper.*

And to appoint Persons to superintend them.

III. *AND be it further enacted, by the Authority aforesaid, that if any Storekeeper, appointed in Pursuance of this Act, shall deliver any Hemp or Flax but by Order of the Owner thereof, or shall exchange the Hemp or Flax of one Person for another, or shall fail to give a Receipt, if required, expressing the Quantity and Mark of the Hemp or Flax by him received, he shall, for every such Failure, forfeit and pay to the Party injured the Sum of fifty Pounds.*

Penalty on Storekeeper delivering Hemp without Order.

IV. *AND be it further enacted, by the Authority aforesaid, that the Keeper of any Storehouses hereby appointed shall and may demand and receive for Storage of Hemp or Flax fourpence for every Hundred, and twelve Pounds, and so for a greater or lesser Quantity, and shall account for the same annually with the Treasurer or Proprietor, as the Case may be, and on Failure so to do shall forfeit and pay the Sum of one Hundred Pounds; and shall and may receive, for his or their Trouble and Attendance, one Penny for every Hundred, and twelve Pounds of Hemp or Flax, and in that Proportion for a greater or lesser Quantity.*

Storage, and Manner of accounting for it.

V. *AND be it further enacted, by the Authority aforesaid, that the Courts of the several Counties where such Warehouses shall be erected shall provide good and sufficient Weights and Scales for the Purposes of weighing the Hemp and Flax brought to such Warehouse, and shall certify the Costs thereof to the Treasurer of this Colony for the Time being, who shall pay the same out of the publick Money in his Hands, provided such Warehouse be erected at the publick Expense; but if such Warehouse shall be built at the Expense of the Proprietor of the Land where it shall be erected, then, and in that Case, such Proprietor shall furnish such Weights and Scales at his or her own proper Expense, under the Penalty of twenty Pounds, to be recovered, by Action of Debt, in the County Court where such Warehouse is erected. And all such Weights and Scales shall be examined once in every Year, in the same Manner as they are examined at the publick Warehouses for the Inspection of Tobacco.*

Court or Proprietor to provide Weights and Scales.

VI. *AND be it further enacted, that no such Warehouse Keeper shall receive into any such Warehouse any Salt, or Liquor of any Kind whatsoever, under the Penalty of five Shillings for every Bushel of Salt or Gallon of Liquor so received;*

Penalty on receiving Salt or Liquor in such Warehouses.

F f f f f f

A. D. 1766.

to be recovered, before a Justice of the Peace, by any Person who shall inform or sue for the same.

C H A P. XXIII.

An Act to amend an Act intituled An Act to oblige the Prosecutors of Offences not capital to pay the Costs of the Prosecution, where the Defendant shall be acquitted. (a)

I. **W**HEREAS by an Act of General Assembly, made in the twenty fifth Year of the Reign of his late Majesty King George the second, intituled *An Act to oblige the Prosecutors of Offences not capital to pay the Costs of the Prosecution, where the Defendant shall be acquitted*, which said Act only extended to Prosecutions in the General Court; and whereas it is found expedient that the said Act should extend to the County Courts in this Colony: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that from and after the passing of this Act the said recited Act, and every Part thereof, shall extend to the several County Courts in this Colony, in the same Manner, and under the like Regulations, as in the General Court, any Law, Custom, or Usage, to the contrary notwithstanding.

II. *PROVIDED nevertheless*, that if such County Court shall certify that there was a probable Cause for such Prosecution, and that the same was not malicious, then the Prosecutor shall not be liable to pay the Costs of the Prosecution, any Thing in this Act to the contrary thereof notwithstanding.

C H A P. XXIV.

An Act to compel Ships importing Convicts or Servants infected with the Gaol Fever, or Smallpox, to perform Quarantine. (b)

C H A P. XXV.

An Act for increasing the Rates of Ferriage at Swan's Point, Jamestown, and Crouche's Creek, and for other Purposes therein mentioned. (c)

I. **W**HEREAS it is represented to this present General Assembly that the Rates of Ferriage across James River, from Jamestown, in the County of James City, to Swan's Point and Crouche's Creek, in the County of Surry, and from the two last mentioned Places to Jamestown, are too low, as the same are settled by an Act passed in the twenty second Year of the Reign of his late Majesty King George the second, intituled *An Act for the Settlement and Regulation of Ferries, and for Despatch of publick Expresses*: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that from and

(a) See 25. Geo. 2. (1752) Cap. 5. with Notes.

(b) This Act was likewise repealed by his Majesty, but the Title stands for the same Reason as Chap. 15.

(c) See 22. Geo. 2. (1748) Cap. 11.

after the passing of this Act, the Ferrykeepers at the said Ferries respectively may demand and take the following Rates for Ferriage, that is to say: From *Jamestown* to *Swan's Point*, and from *Swan's Point* to *Jamestown*, the Price for a Man one Shilling, and for a Horse the same; from *Jamestown* to *Crouche's Creek*, and from *Crouche's Creek* to *Jamestown*, the Price for a Man one Shilling and threepence, and for a Horse the same; and in that Proportion for the Transportation of Carriages, Cattle, and other Things, and no more.

A. D. 1766.

II. AND whereas, by an Act passed in the fifth Year of his present Majesty's Reign, a Ferry was appointed from the Land of *Thomas Shepherd*, at *Mecklenburg*, in *Frederick County*, to *Maryland*, which is found unnecessary, the same being at a very small Distance from a Ferry already established, from the Land of *Thomas Swearingen*, over *Potowmack River*, to *Maryland*: Be it therefore enacted, by the Authority aforesaid, that the said Act be, and the same is hereby repealed and made void, to all Intents and Purposes.

III. AND whereas, by the first recited Act, a publick Ferry was established from the Land of *Littleton Eyre*, on *Hungar's River*, in the County of *Northampton*, over the Bay of *Chesapeak*, to the Towns of *York*, *Hampton*, and *Norfolk*, but no Provision was made by the said Act for preventing Persons from setting over the said Bay, for Reward, from the County of *Accomack*, any Person or Persons, which is very prejudicial to the Keeper of the said Ferry: Be it therefore enacted, by the Authority aforesaid, that no Person whatsoever shall, for Reward, let any Person or Persons over the said Bay from the County of *Accomack*, other than the Inhabitants of the said County, to the said Towns of *York*, *Hampton*, or *Norfolk*, or other Place adjacent to the said Towns; and if any Person shall offend herein, he or she so offending shall forfeit and pay five Pounds for every Offence, to be recovered by the Keeper of the said Ferry, for his own Use, by Action of Debt or Information, in any Court of this Dominion.

C H A P. XXVI.

An Act for further continuing and amending the Act intituled An Act for the better regulating and collecting certain Officers Fees, and for other Purposes therein mentioned. (a)

I. WHEREAS the Act of the General Assembly made in the nineteenth Year of the Reign of his late Majesty King *George the second*, intituled *An Act for the better regulating and collecting certain Officers Fees, and for other Purposes therein mentioned*, which hath been continued by several Acts, and amended by two Acts in the first and third Years of his present Majesty's Reign, will expire on the twelfth Day of *April* one Thousand seven Hundred and sixty seven; and it being necessary that the same should be further continued, with Amendments: Be it therefore enacted, by the Lieutenant Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that the said recited Acts, except as to so much thereof as is otherwise directed by this Act, shall continue and be in Force, from and after the said twelfth Day of *April* one Thousand seven Hundred and sixty seven, for and during the Term of two Years, and no longer.

II. PROVIDED always, and be it further enacted, by the Authority aforesaid, that from and after the passing of this Act it shall not be lawful for the Secretary of this Colony, or the several County Court Clerks, to charge any Fee

(a) See 8 Geo. 3. (1768) Cap. 2.

A. D. 1766.

for the Search for any Thing in their respective Offices where a Copy is taken or made; and the Person requiring such Copy shall be chargeable with the Fee for the Copy only.

C H A P. XXVII.

An Act for increasing the Salary of the Minister of the Parish of Frederick, in the County of Frederick. (a)

I. **W**HEREAS by an Act of General Assembly made in the twelfth Year of the Reign of his late Majesty George the second, intituled *An Act for erecting two new Counties and Parishes, and granting certain Encouragements to the Inhabitants thereof*, it is enacted, for the more easy Payment of all Levies, Secretary's, Clerks, Sheriffs, and other Officers Fees, by the Inhabitants of the Counties of *Frederick* and *Augusta*, that the said Levies and Fees should and might be paid in Money, for Tobacco, at three Farthings *per* Pound, without any Deduction; and whereas by one other Act of General Assembly, made in the twenty second Year of his said Majesty's Reign, intituled *An Act for the Support of the Clergy, and for the regular collecting and paying the Parish Levies*, it is, among other Things, enacted that every Minister preferred, or to be preferred or received into any Parish within this Dominion, shall have and receive an annual Salary of sixteen Thousand Pounds of Tobacco and Cask, with an Allowance of four *per Cent.* for Shrinkage, to be levied, assessed, collected, and paid in Tobacco, which, under the Directions of the first recited Act, is to be levied and paid in the said County of *Frederick*, in Money, for Tobacco, at the Rate of three Farthings *per* Pound, by which the Minister of the said Parish of *Frederick* receives a Salary very inadequate to other Ministers in this Colony; and the Vestry and Inhabitants of the said Parish of *Frederick*, with the Consent, and at the Instance of the Minister of the said Parish, have petitioned that an Act may pass to empower them to levy an additional Sum for the Support of the said Minister: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same*, that from and after the passing of this Act the Vestry of the said Parish of *Frederick*, at the Time of laying their levy, shall, and they are hereby authorized and required to levy on the tithable Persons within their Parish the Sum of ninety one Pounds, with an Allowance of six *per Centum* for collecting the same, to be levied, collected, and paid in the same Manner, and under the like Penalties, as in and by the said second recited Act are directed; and if the Vestry of the said Parish shall neglect or refuse to direct the said ninety one Pounds, with the Allowance for collecting as aforesaid, to be levied and collected as by the said second recited Act is directed, the Vestrymen of the said Parish present at laying of the Parish Levy neglecting or refusing shall be liable to the Action of the Minister injured thereby, his Executors or Administrators, for all Damages he shall sustain by Occasion of such Refusal or Neglect.

(a) See 22 Geo. 2. (1748) Cap. 28. with Notes.

C H A P. XXVIII.

An Act for perpetuating the Succession of the Trustees appointed by the Act of Assembly intituled An Act for enlarging and ascertaining the Limits of the Borough of Norfolk, and for other Purposes therein mentioned. (a)

I. **W**HEREAS by an Act of Assembly, made in the first Year of his present Majesty's Reign, intituled *An Act for enlarging and ascertaining the Limits of the Borough of Norfolk, and for other Purposes therein mentioned*, a certain Piece or Parcel of Land in the said Borough, whereon a publick Warehouse lately stood, commonly called the *Fort Land*, was vested in *John Hutchings, Robert Tucker, Archibald Campbell, James Holt, Paul Loyal, Thomas Newton, Samuel Boush, William Aitchison, Daniel Rothery, William Bradley, John Tucker, Goodrich Boush, James Taylor, Archibald White, Robert Waller, John Hunter, and William Freeman*, Gentlemen, in Fee Simple, as Trustees and Directors, in Behalf of themselves and divers other Persons named in a Schedule to the said Act annexed, for the Uses and Purposes therein mentioned, which said Act of Assembly was amended and explained by another Act of Assembly, made in the third Year of his said Majesty's Reign, intituled *An Act to amend an Act to explain the Charter and enlarge the Privileges of the Borough of Norfolk, and for other Purposes therein mentioned*, also one other Act, intituled *An Act for enlarging and ascertaining the Limits of the Borough of Norfolk, and for other Purposes therein mentioned*, in Consequence of which several Acts the Persons interested in the said Parcel of Ground have formed themselves into a Company, stiled and known by the Name of the *Town Point Company*, but no Provision being made for perpetuating the Succession of the said Trustees, several of whom are since dead: *Be it therefore enacted, by the Lieutenant Governour, Council, and Burgessees, of this present General Assembly, and it is hereby enacted, by the Authority of the same,* that it shall and may be lawful, at any Time after the passing of this Act, to and for the present Members of the said Company, and their Heirs, Executors, Administrators, or Assigns, and the Heirs, Executors, Administrators, or Assigns, or other legal Representatives of such Members of the said Company as are now dead, to elect and choose, by a Majority of Voices of the Members present, from among the Members of the said Company, or their Heirs, Executors, Administrators, or Assigns, some other Persons to succeed such of the Trustees and Directors as are now dead, or may hereafter die, be removed, resign, or be rendered incapable of doing Duty.

II. *PROVIDED* always, that no Member of the said Company, or his Representative, shall have Liberty to vote at such Election who shall not, at the Time of voting, be entitled to twenty five Pounds of capital Stock at the least; and that no more than one Vote shall be given by Coheirs, Executors, or Administrators, in Respect of the Share of any dead Person; nor shall such Election be made until publick Notice of the Day, Time, and Place, shall be first given, and a Majority of the Members having a Right to vote be present.

(a) See 10. Geo. 2. (1736) Cap. 6. with Notes.

FRANCIS FAUQUIER, Esq; Governour.
PEYTON RANDOLPH, Speaker.

A. D. 1768.

JOHN BLAIR,
Esq; President.

At a GENERAL ASSEMBLY begun and held at the CAPITOL, in the City of *Williamsburg*, the 6th Day of *November*, *Anno Domini* 1766, in the 7th Year of the Reign of our Sovereign Lord GEORGE III. by the Grace of GOD of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c. and from thence continued, by several Prorogations to *Thursday* the 31st Day of *March*, 1768, being the second Session of this present General Assembly.

C H A P. I.

An Act for further continuing the Act intituled An Act for amending the Staple of Tobacco, and for preventing Frauds in his Majesty's Customs. (a)

WHEREAS the Act of the General Assembly passed in the fifth Year of his present Majesty's Reign, intituled *An Act for amending the Staple of Tobacco, and for preventing Frauds in his Majesty's Customs*, and which was continued and amended by another Act, made in the seventh Year of his said Majesty's Reign, will expire on the first Day of *October* one Thousand seven Hundred and sixty nine, and it is necessary and expedient that the said Acts should be further continued: *Be it therefore enacted, by the President, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that the said recited Acts shall continue and be in Force, from and after the said first Day of October one Thousand seven Hundred and sixty nine, for and during the Term of two Years, and no longer.*

C H A P. II.

An Act for further continuing and amending the Act intituled An Act for the better regulating and collecting certain Officers Fees, and for other Purposes therein mentioned. (b)

I. WHEREAS the Act of the General Assembly made in the nineteenth Year of the Reign of his late Majesty King George the second, intituled *An Act for the better regulating and collecting certain Officers Fees, and for other Purposes therein mentioned*, which hath been continued by several Acts, and amended by three Acts, in the first, third, and seventh Years of his present

(a) See 5 Geo. 3. (1764) Cap. 4.

(b) See 19 Geo. 2. (1746) Cap. 1.

Majesty's Reign, will expire on the twelfth Day of *April* one Thousand seven Hundred and sixty nine; and it being necessary that the same should be further continued, and the Alternative of paying either Money or Tobacco, for Officers Fees allowed by the said Act, made in the first Year of the Reign of his present Majesty, extended to Tobacco due for the Attendance of Witnesses in civil Suits: *Be it therefore enacted, by the President, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that the said recited Acts shall continue and be in Force, from and after the said twelfth Day of April one Thousand seven Hundred and sixty nine, for and during the Term of one Year, and no longer.* A. D. 1768.

II. *AND be it further enacted, by the Authority aforesaid, that it shall and may be lawful to and for any Person or Persons from whom any Tobacco is or shall be due, for the Attendance of a Witness or Witnesses in any Action or Suit, to pay and satisfy the same either in Tobacco or in Money, at the Rate of sixteen Shillings and eightpence for every Hundred Pounds of Tobacco, and so in Proportion for a greater or lesser Quantity, at the Option of the Payer; and that the like Option be allowed to the Debtor, in paying the Tobacco Costs taxed in any Judgment or Execution.*

C H A P. III.

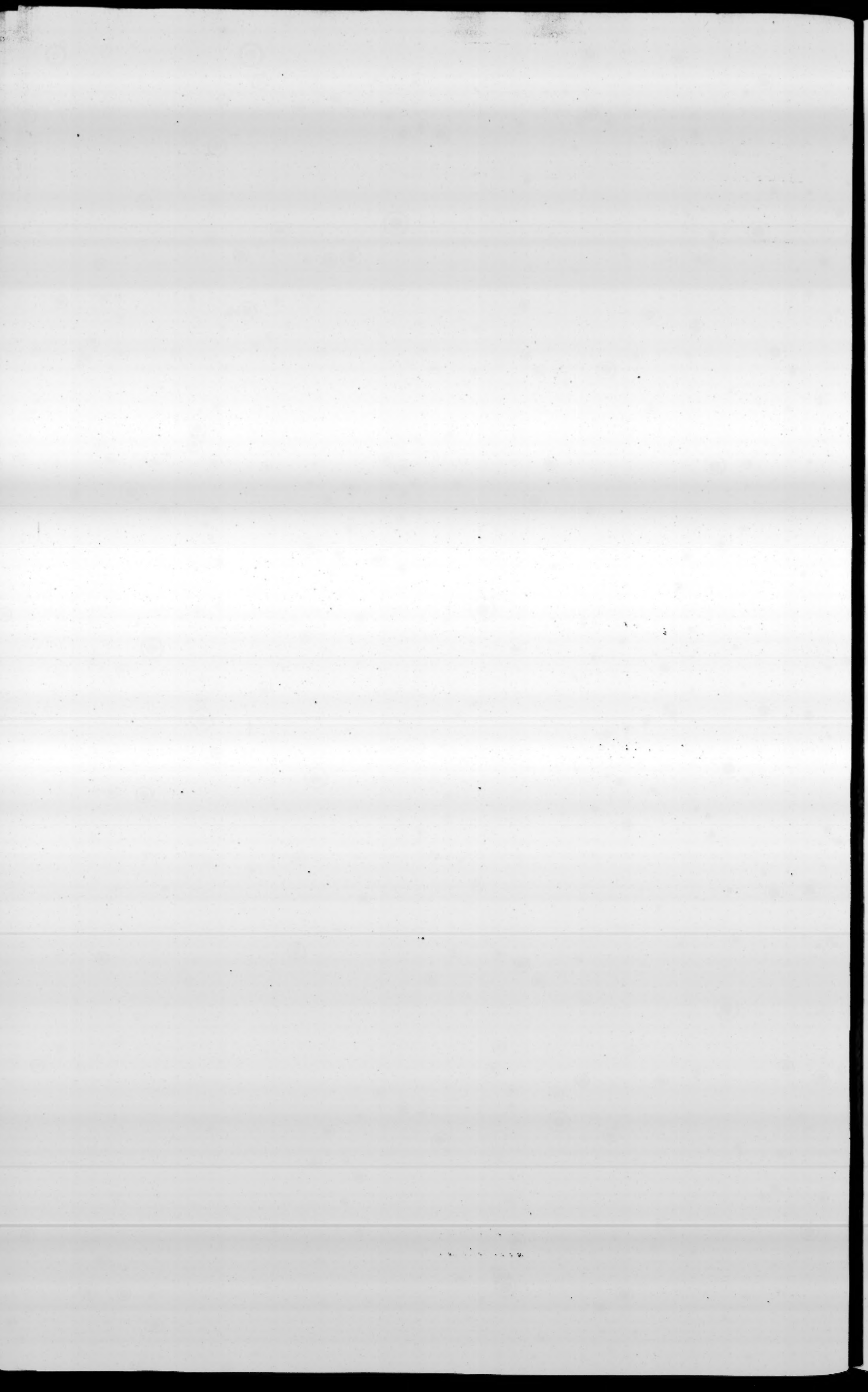
An Act to repeal so much of an Act, intituled An Act for appointing several new Ferries, as relates to a Ferry across the Fluvanna River, from and to the Lands of William Cabell, Gentleman.

(a)

WHEREAS by an Act passed in the first Year of the Reign of his present Majesty, intituled *An Act for appointing several new Ferries*, a Ferry was established from the Land of *William Cabell, Gentleman*, on the north Side of the *Fluvanna* River, opposite to the lower Point of *Wood's Island*, in the County of *Albemarle*, to the Land of the said *Cabell*, on the south Side of the said River, at a Place called *Hugh's Valley*, which Ferry hath hitherto been kept by *William Cabell* the younger, Gentleman, to whom the Lands on the north Side of the said River, now in the County of *Amherst*, belong; and whereas, by the Appointment of other Ferries in the Neighbourhood, the said Ferry is become of no Use to the Publick, and the keeping Boats and Hands, as well as the publick Road leading to the same, through the Lands of the said *William Cabell* the younger, is burthenfome to him: *Be it therefore enacted, by the President, Council, and Burgeses, of this present General Assembly, and it is hereby enacted, by the Authority of the same, that so much of the said recited Act of Assembly as relates to the keeping a Ferry across the Fluvanna River, at the Place aforesaid, be, and the same is hereby repealed.*

(a) See 22 Geo. 2. (1748) Cap. 11.

JOHN BLAIR, Esq; President.
PEYTON RANDOLPH, Speaker.



A N APPENDIX,

Containing the Titles of all private Acts passed since the Revival in the Year 1748, which are now in Force, but not printed at large in this Collection. The Titles of all other private Acts which were revised in 1748 may be found in the former Edition of the Laws, and therefore it is judged unnecessary to reprint them.

The Chapters here referred to are as they stand in the Laws of each Session.

Acts passed in the 25th Year of the Reign of George II. in the Year 1752, being the first Session.
Chap.

6. An Act for enlarging the Church in the City of *Williamsburg*, and purchasing an Organ, to be placed therein.
18. An Act for dividing the County of *Lunenburg*, and the Parish of *Cumberland*.
19. An Act for dividing the County of *Prince George*.
20. An Act for dividing the Parish of *St. Mark*, in the County of *Culpeper*, and for adding Part of that Parish to the Parish of *St. Thomas*, and Part of the said Parish of *St. Thomas* to the upper Parish in the said County of *Culpeper*.
21. An Act for encouraging Persons to settle on the Waters of the *Mississippi*.
22. An Act for dissolving the Vestry of *Frederick* Parish, in *Frederick* County.
24. An Act for establishing the Town of *Portsmouth*, in the County of *Norfolk*, and to prevent the building of wooden Chimnies therein.
25. An Act to enable the Vestry of the upper Parish in *Nansemond* County to sell certain Lands, and for other Purposes therein mentioned.
26. An Act for establishing the Town of *Winchester*, and appointing Fairs therein.
27. An Act to empower the Vestry of the Parish of *Truro*, in the County of *Fairfax*, to sell their Glebe, and to pay Part of the Purchase Money to the Vestry of the Parish of *Cameron*.
28. An Act for dissolving the Vestry of the Parish of *Nottoway*, in the County of *Amelia*, and electing a new Vestry in the said Parish.
29. An Act for establishing the Town of *Westham*, in the County of *Henrico*.
30. An Act for establishing the Town of *Smithfield*, in the County of *Isle of Wight*, and to prevent wooden Chimnies being built therein.
31. An Act for establishing the Town of *Pocobontas*, in the County of *Chesterfield*, and to prevent wooden Chimnies being built therein, and for other Purposes therein mentioned.
32. An Act to amend an Act intituled An Act for erecting a Town at *Bray's Church*, in the County of *King George*.
34. An Act for appointing Trustees for the Towns of *Richmond* and *Falmouth*.
35. An Act to vest the Right of two Acres of Land whereof *Elizabeth Exum* is seized in Fee Simple in the Justices of the County of *Southampton*, to the Use of the said County.
36. An Act to confirm the Title of Lands purchased of the *Nottoway Indians*, and for other Purposes therein mentioned.
37. An Act for allowing Fairs to be kept in the Town of *Alexandria*.
38. An Act for building a Bridge over *Pagan Creek*, and for appointing several new Ferries.
39. An Act to enable the Vestry of the Parish of *Washington*, in the County of *Westmoreland*, to sell a Tract of Land therein mentioned, and to apply the Money arising by such Sale towards purchasing other Land for a Glebe.

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Chap.

- 43. An Act for allowing a free Ferry to be kept at *Port Royal*.
- 44. An Act to dock the Entail of two Hundred and fifty Acres of Land, in the Parish of *Westover*, in the County of *Charles City*, whereof *Rebecca*, wife of *William Clinch*, lately died seized in Fee Taille, and for vesting the same in certain Trustees in Fee Simple, and for other Purposes therein mentioned.
- 45. An Act for continuing the Act intituled An Act for reviving and amending the Acts for allowing Fairs to be kept in the Towns of *Fredericksburg* and *Richmond*.
- 46. An Act to vest certain entailed Lands therein mentioned in *Reuben Skelton*, Gentleman, in Fee Simple, and for settling other Lands, of greater Value, to the same Uses.
- 47. An Act to confirm and establish an Agreement made between *John New* and *Benjamin Harrison*, Gentlemen, for the Settlement of their respective Rights to certain Lands, and for other Purposes therein mentioned.
- 48. An Act to dock the Entail of certain Lands whereof *Arthur Smith* is seized, and to settle a Water Mill, with other Lands of greater Value, to the same Uses.
- 49. An Act to dock the Entail of certain Lands whereof *David Garland* is seized, and for settling other Lands and Slaves, of greater Value, to the same Uses.
- 50. An Act to vest certain entailed Lands therein mentioned in *Henry Washington*, Gentleman, in Fee Simple.
- 51. An Act to amend the Act intituled An Act for establishing a Town near *Roy's Warehouse*, in the County of *Caroline*, and for other Purposes therein mentioned.
- 52. An Act for docking the Entail of certain Lands in the County of *James City*, and vesting the same in *Thomas Chamberlayne*, Gentleman, in Fee Simple, and for settling other Lands, of greater Value, to the same Uses.
- 53. An Act for docking the Entail of certain Lands in the County of *King William*, and vesting the same in *William Dandridge* in Fee Simple, and for settling other Lands and Slaves, of greater Value, to the same Uses.

Acts passed in the 27th Year of the Reign of George II. in the Year 1753, being the second Session.

- 6. An Act for further encouraging Persons to settle on the Waters of the *Mississippi*.
- 14. An Act for adding Part of the County and Parish of *Augusta* to the County and Parish of *Frederick*, and for dividing the County and Parish of *Frederick*, and the Part of *Augusta* to be added thereto, into two Counties and Parishes.
- 15. An Act for dividing the County of *Amelia*.
- 16. An Act for dividing the County of *Lunenburg* and Parish of *Cumberland*, and for altering the Court Day in the County of *Halifax*.
- 17. An Act for dividing the County of *Surry*, and adding Part of the Parish of *Albemarle* to the Parish of *Southwark*.
- 18. An Act for dividing the Parish of *St. Andrew*, in the County of *Brunswick*.
- 19. An Act to empower the Vestry of the Parish of *South Farnham*, in the County of *Essex*, to sell the Glebe Land of the said Parish, and to lay out and apply the Money arising by such Sale towards purchasing a more convenient Glebe, and erecting Houses thereon.
- 20. An Act for enabling the Justices of the Peace of the County of *Elizabeth City*, and the Minister and Churchwardens of the Parish of *Elizabeth City*, in that County, to take and hold certain Lands devised by the Will of *Benjamin Syon* for a free School and other charitable Uses.
- 21. An Act to enable the Vestry of the Parish of *Blissland*, in the Counties of *James City* and *New Kent*, to sell a Plantation and two Hundred Acres of Land in the said Parish, and to buy Communion Plate and Ornaments for the lower Church in that Parish with the Purchase Money.
- 23. An Act for erecting a Town on *Occoquan River*, in the County of *Fairfax*.
- 24. An Act to dock the Entail of certain Lands whereof *Gerard Alexander* is seized, and for settling other Lands and Slaves, of greater Value, to the same Uses.
- 25. An Act for docking the Entail of certain Lands in the County of *Middlesex*, and vesting the same in *Robert Chew*, in Fee Simple, and for settling other Lands and Slaves, of greater Value, to the same Uses.

Chap.

26. An Act to empower *John Armistead*, Gentleman, to sell and dispose of certain entailed Lands, to raise Money for the Performance of his Father's Will.
27. An Act for docking the Entail of a Tract of Land in the Parish of *Abingdon*, in the County of *Gloucester*, whereof *Lawrence Smith*, Gentleman, is seized, and settling other Lands and Slaves, of greater Value, to the same Uses.
28. An Act for establishing an Agreement made between *Philip Johnson* and *William Armistead*, Gentlemen.

Acts passed in the 28th Year of the Reign of George II. in the Year 1754, being the fourth Session.

1. An Act to empower *Thomas Dansie* to receive Ferriages for transporting Passengers to and from the Causeway opposite to his Land, and for other Purposes therein mentioned.
2. An Act to dock the Entail of certain Lands whereof *Nathaniel West Dandridge*, Gentleman, is seized, and for settling other Lands and Slaves, of greater Value, to the same Uses.

Acts passed in the 28th Year of the Reign of George II. in the Year 1754, being the fifth Session.

4. An Act for adding Part of the Counties of *Albemarle* and *Lunenburg* to the County of *Bedford*.
5. An Act for vesting 700 Acres of Land, with the Appurtenances, lying on *Cherrystone's* Creek, in the Parish of *Hungar's*, and County of *Northampton*, in *Littleton Eyre*, Gentleman, in Fee Simple.
6. An Act for docking the Entail of certain Lands in the County of *Nansemond*, and vesting the same in *Thompson Swann* in Fee Simple, and for settling other Lands and Slaves, of greater Value, to the same Uses.
7. An Act to dock the Entail of certain Lands whereof *Joseph Bridger* is seized as Tenant in Fee Tails, and to sell the same in Fee Simple, and lay out the Money arising by such Sale in Slaves, to be annexed to other entailed Lands therein mentioned.

Acts passed in the 28th Year of the Reign of George II. in the Year 1755, being the sixth Session.

15. An Act for reviving an Act intituled An Act for allowing Fairs to be kept in the Town of *Alexandria*.
16. An Act to oblige Persons who bring Tobacco, and other Goods, to *Westham*, to pay Storeage for the same.
17. An Act for enabling the Inhabitants of the Counties of *Princess Anne* and *Norfolk* to pay their publick Dues in Money.
18. An Act for dissolving the Vestry of the Parish of *St. Andrew*, in the County of *Brunswick*, and electing a new Vestry in the said Parish.
19. An Act for dividing the Parish of *Nottoway* into two distinct Parishes, and for other Purposes therein mentioned.
21. An Act to empower the Secretary of this Colony to sell certain Lands therein mentioned.
22. An Act to confirm and establish an Agreement made between *William Withers* and *Augustine Washington*, and for other Purposes therein mentioned.
23. An Act for dissolving the present Vestry of the Parish of *Cople*, and electing a new Vestry for the said Parish.
24. An Act for dissolving the Vestry of the upper Parish in the County of *Nansemond*.

Acts passed in the 29th Year of the Reign of George II. in the Year 1756, being the first Session.

7. An Act for appointing Trustees to lease out certain Lands and Slaves, and for other Purposes therein mentioned.
8. An Act to enable the *Nottoway Indians* to sell certain Lands, and for other Purposes therein mentioned.
10. An Act for adding certain Lands therein mentioned to the City of *Williamsburg*.

Acts passed in the 30th Year of the Reign of George II. in the Year 1757, being the third Session.

18. An Act for dividing the Parish of *St. Anne*, in the County of *Albemarle*.
19. An Act to empower the Vestry of the Parish of *St. George*, in the County of *Spotsylvania*, to sell their Glebe, and for other Purposes therein mentioned.

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20. An Act for dissolving the Vestry of the Parish of *Dettingen*, in the County of *Prince William*, and for other Purposes therein mentioned.
21. An Act to enable the Vestry of the Parish of *Stratton Major*, in the County of *King and Queen*, to sell their Glebe, and for other Purposes therein mentioned.
22. An Act for dividing the County of *Fairfax*.
23. An Act for dividing the Parish of *Cumberland*, in the County of *Lunenburg*.
26. An Act for dissolving the Vestry of the Parish of *St. Paul*, in the County of *Stafford*.
27. An Act to empower *Lemuel Riddick* to clear *Summerton Creek*, and for other Purposes therein mentioned.
28. An Act to empower *William Rand* to build a Bridge over *Pagan Creek*, and for other Purposes therein mentioned.
29. An Act to empower *Armistead Churchill*, Gentleman, to sell and dispose of certain entailed Lands.
30. An Act to vest certain entailed Lands therein mentioned in *Thomas Turner*, Gentleman, in Fee Simple, and for settling other Lands, of greater Value, to the same Uses.

Acts passed in the 32d Year of the Reign of George II. in the Year 1758, being the first Session.

3. An Act for erecting a Town on the Land of *Lewis Stephens*, in the County of *Frederick*, for enlarging the Town of *Winchester*, and for erecting a Town on the Land of *Nicholas Minor*, in the County of *Loudoun*.
11. An Act for dissolving the Vestry of *Hamilton Parish*, in the County of *Prince William*.

Acts passed in the 32d Year of the Reign of George II. in the Year 1759, being the third Session.

17. An Act to dock the Entail of certain Lands whereof *Tunstall Banks* is seized, and for settling other Lands and certain Slaves therein mentioned, of greater Value, to the same Uses.
18. An Act for vesting certain Lands in the County of *Hanover* in *Philip Whitehead Claiborne*, Gentleman, in Fee Simple, and for other Purposes therein mentioned.
19. An Act for vesting certain Lands belonging to the *Pamunkey Indians* in Trustees, to be leased out for their Benefit.
22. An Act for dissolving the Vestry of the Parish of *Suffolk*, in the County of *Nansemond*, and for other Purposes therein mentioned.
23. An Act for establishing several Towns therein mentioned.
26. An Act for altering several Court Days therein mentioned.
27. An Act for dividing of the County of *Prince William*.
29. An Act for enlarging the Towns of *Fredericksburg* and *Winchester*, the City of *Williamsburg*, and Town of *Dumfries*.
30. An Act for the better regulating *Eaton's Charity School*.
31. An Act for repealing the Acts for ascertaining the Place where the Court of *York County* shall be kept, and for altering the Place for holding Courts in the County of *Spotsylvania*.
34. An Act to enable the Executors of the Will of *John Spotswood*, Esquire, deceased, to pay the Debts and Legacies due from the Estate of Major General *Spotswood*, and for other Purposes therein mentioned.

Acts passed in the 33d Year of the Reign of George II. in the Year 1759, being the fourth Session.

3. An Act for altering the Court Day of the County of *Augusta*.
4. An Act to empower the Vestry of the Parish of *Dale*, in the County of *Chesterfield*, to sell the Glebe Land of the said Parish, and for other Purposes therein mentioned.
6. An Act to dock the Entail of certain Lands therein mentioned, and to vest the same in *Lewis Burwell*, Esquire, in Fee Simple, and for settling other Lands, of greater Value, in Lieu thereof, to the same Uses.

Act passed in the 34th Year of the Reign of George II. in the Year 1760, being the seventh Session.

4. An Act to dock the Entail of certain Lands whereof *Charles Lewis*, Gentleman, is seized, and for settling other Lands, of greater Value, to the same Uses.

Acts passed in the 1st Year of the Reign of George III. in the Year 1761, being the seventh Session, held in March.

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12. An Act for establishing the Town of *Woodstock*, in the County of *Frederick*.
13. An Act for establishing a Town on the Glebe Land of *Dale* Parish, in the County of *Chesterfield*, and appropriating Part of the said Land for publick Landings.
15. An Act to preserve the Water for the Use of the Inhabitants of the Town of *Winchester* and the Limits thereof, by preventing Hogs from running at large therein.
17. An Act for dividing the Parish of *Cumberland*, in the County of *Lunenburg*, and for other Purposes therein mentioned.
18. An Act for altering the Court Days of the Counties of *Bedford* and *Sussex*.
19. An Act for dividing the Parish of *Elizabeth River*, in the County of *Norfolk*, into three distinct Parishes, for dissolving the Vestry of the said Parish, and for other Purposes therein mentioned.
20. An Act for dividing the Counties of *Albemarle* and *Louisa*, and Parish of *St. Anne*, and for other Purposes therein mentioned.
21. An Act for further enlarging the Town of *Dumfries*, in the County of *Prince William*.
22. An Act for dividing the Parish of *Frederickville*, in the County of *Louisa*, and for directing the Election of Vestrymen for the Parish of *Hampshire*, in the County of *Hampshire*.
23. An Act for appointing new Directors and Trustees for the Town of *Leeds*, in the County of *King George*, and for other Purposes therein mentioned.
24. An Act for enlarging and ascertaining the Limits of the Borough of *Norfolk*, and for other Purposes therein mentioned.
25. An Act to empower the Vestry of the Parish of *Antrim*, in the County of *Halifax*, to sell their Glebe in the said Parish, and to apply the purchase Money towards buying another more convenient Glebe.
27. An Act to dock the Entail of certain Lands, whereof *Archibald Cary*, Esquire, is seized as Tenant in Fee Taille, and to settle other Lands, of greater Value, in Lieu thereof, to the same Uses.
28. An Act to enable the Executors of the Will of *John Spotswood*, Esquire, deceased, to pay the Debts and Legacies due from the Estate of Major General *Alexander Spotswood*, and for other Purposes therein mentioned.
29. An Act for vesting certain Lands therein mentioned in *Philip Johnson*, Gentleman, adding the same to the City of *Williamsburg*, and for other Purposes therein mentioned.
30. An Act to dock the Entail of certain Lands, whereof *Carter Henry Harrison* is seized, and for settling other Lands to the same Uses.
31. An Act to empower the Executors of the Will of *Gawin Corbin*, Gentleman, deceased, to sell certain entailed Lands and Slaves for the Payment of his Debts, and for settling other Lands, of greater Value, to the same Uses.

Acts passed in the 2d Year of the Reign of George III. in the Year 1761, being the first Session, held in November.

5. An Act to empower the Vestry of the Parish of *Hanover*, in the County of *King George*, to sell their present Glebe Lands, and to lay out the Money in the Purchase of a more convenient Glebe.
6. An Act to explain and amend an Act entitled An Act for enlarging the Town of *Dumfries*, in the County of *Prince William*.
7. An Act for establishing the Towns of *Staunton*, in the County of *Augusta*, and *New London*, in the County of *Bedford*, and *Strasburg*, in the County of *Frederick*.
9. An Act to dock the Entail of certain Lands whereof *Robert Carter*, Esquire, is seized, and to settle other Lands, of greater Value, to the same Uses.
10. An Act to dock the Entail of certain Lands, whereof *Mann Page*, Esquire, is seized, and for settling other Lands and Slaves, of greater Value, to the same Uses.
11. An Act to vest certain entailed Lands therein mentioned in *Bernard Moore*, Esquire, in Fee Simple, and for laying out the Value thereof in Slaves, to be settled to the same Uses.

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12. An Act to vest certain Lands therein mentioned in *Philip Whitehead Claiborne*, Gentleman, in Fee Simple, and for settling other Lands and Slaves in Lieu thereof.
13. An Act to dock the Entail of certain Lands, whereof *John West*, Gentleman, is seized, and vest them in Trustees to be sold, and for laying out the Money in the Purchase of Slaves, to be settled to the same Uses.

Acts passed in the 2d Year of the Reign of George III. in the Year 1762, being the third Session.

4. An Act for altering the Court Days of the Counties of *Prince William* and *Louisa*.
6. An Act to empower the Vestries of the Parishes of *Drysdale*, in the Counties of *Caroline* and *King* and *Queen*, and of *St. Stephen*, in the said County of *King* and *Queen*, to sell their Glebes, and lay out the Money in purchasing more convenient Glebes.
7. An Act to dock the Entail of certain Lands, whereof *William Seward* is seized, and for other Purposes therein mentioned.

Acts passed in the 3d Year of the Reign of George III. in the Year 1762, being the fourth Session.

20. An Act for establishing the Town of *Charlottesville*, in the County of *Albemarle*.
21. An Act for establishing the Town of *Romney*, in the County of *Hampshire*, and for other Purposes therein mentioned.
22. An Act for establishing the Town of *Mecklenburg*, in the County of *Frederick*.
23. An Act for establishing the Town of *Hanover*, in the County of *Hanover*.
24. An Act for enlarging the Town of *Petersburg*, and for other Purposes therein mentioned.
25. An Act for enlarging the Town of *Alexandria*, in the County of *Fairfax*.
26. An Act to empower the Vestry of the Parish of *Bruton* to sell certain Lots in the City of *Williamsburg*, for the Purposes therein mentioned.
27. An Act for appointing Directors and Trustees of the Town of *Blandford*, in the County of *Prince George*, and to prevent Hogs running at large therein.
28. An Act to empower the Vestry of the Parish of *St. Patrick*, in the County of *Prince Edward*, to levy for *Thomas Wood* a reasonable Satisfaction for his Expenses in building a Church there, which was burnt down before it was finished.
29. An Act for adding Part of the Parish of *Cameron* to the Parish of *Truro*.
30. An Act for settling the Bounds between the Parishes of *Martin's Brandon* and *Bristol*, in the County of *Prince George*.
31. An Act for dividing the Parish of *Accomack*, in the County of *Accomack*, into two distinct Parishes.
32. An Act for dissolving the Vestry of the Parish of *Hampshire*, in the County of *Hampshire*, and electing a new Vestry in the said Parish.
33. An Act to empower the respective Vestries of the Parishes of *St. Andrew*, in the County of *Brunswick*, and *Frederick*, in the County of *Frederick*, to sell their Glebe Lands.
34. An Act for dividing the Parish of *Nottoway*, in the County of *Southampton*.
35. An Act for adding Part of the County of *King* and *Queen* to the County of *Caroline*, and for altering the Court Day of the said County of *King* and *Queen*.
36. An Act for altering the Court Days of the Counties of *Prince Edward* and *Lunenburg*.
37. An Act for building a Bridge over the North Branch of *James River*, in the County of *Albermarle*.
40. An Act to empower *Carter Henry Harrison*, Gentleman, to build a Mill on *Willis's Creek*, in the County of *Cumberland*.
41. An Act to dock the Entail of certain Lands, whereof *Ralph Wormeley*, Esquire, is seized, and for settling other Lands, of greater Value, to the same Uses.
42. An Act to confirm and establish an Agreement made between *James Scott* the Elder, Clerk, and *James Scott* the younger, his Son.
43. An Act to dock the Entail of certain Lands, whereof *Henry Scarborough* is seized in Fee Taille, and for other Purposes therein mentioned.

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Acts passed in the 3d Year of the Reign of George III. in the Year 1763, being the fifth Session.

8. An Act for amending the Act intituled An Act for enlarging the Towns of *Fredericksburg* and *Winchester*, the City of *Williamsburg*, and Town of *Dumfries*, and for other Purposes therein mentioned.
10. An Act for altering the Court Days of the Counties of *Stafford* and *Chesterfield*.

Acts passed in the 4th Year of the Reign of George III. in the Year 1764, being the sixth Session, held in January.

3. An Act to empower the Vestry of the Parish of *Elizabeth River*, in the County of *Norfolk*, to purchase and improve Lots in the Borough of *Norfolk* for the Use of the Minister, instead of a Glebe, and to pay their Minister's Salary in Money, instead of Tobacco.
6. An Act to enable certain Adventurers to drain a large Tract of marshy Grounds in the Counties of *Nansemond* and *Norfolk*.
9. An Act for altering the Court Days of the Counties of *Lancaster*, *Gloucester*, *Chesterfield*, and *Warwick*.
10. An Act to empower the Vestry of the Parish of *Bath*, in the County of *Dinwiddie*, to sell their Glebe, and purchase a more convenient one.
11. An Act to dock the Entail of certain Lands whereof *Charles Carter*, Esquire, is seized, and for settling other Lands, of greater Value, to the same Uses.
12. An Act to direct the Sale of certain entailed Lands whereof *John Spotswood*, Esquire, died seized, for Payment of the Debts due from him and the Estate of Major General *Alexander Spotswood*.
13. An Act to vest certain entailed Lands, whereof *William Cary* is seized, in *Allen Jones*, in Fee Simple, and for settling other Lands and Slaves, to be purchased in Lieu thereof.

Acts passed in the 4th Year of the Reign of George III. in the Year 1764, being the seventh Session, held in October.

4. An Act for dividing the County of *Lunenburg* into three distinct Counties.
7. An Act for altering the Court Days of the Counties of *Fauquier*, *Loudoun*, *Louisa*, and *Fairfax*.
10. An Act for encouraging the Settlement of the Towns of *Alexandria* and *Falmouth*, and for other Purposes therein mentioned.
11. An Act for exempting the Inhabitants of *Elizabeth City* County, and also the Ministers and other Parishioners of *Suffolk*, in *Nansemond*, and of *Antrim* Parish, in *Halifax*, from the Payment of Ferriage, and for other Purposes therein mentioned.
13. An Act to dock the Entail of certain Lands whereof *Richard Todd* is seized, and for settling other Lands and Slaves in Lieu thereof,
14. An Act to vest certain entailed Lands in *Robert Lewis*, Gentleman, in Fee Simple, and for purchasing more convenient Lands, to be settled in Lieu thereof.
15. An Act to vest certain entailed Lands, whereof *William Cary* is seized, in *Allen Jones*, in Fee Simple, and for settling other Lands and Slaves, to be purchased in Lieu thereof, to the same Uses.
16. An Act for vesting the absolute Property of certain Slaves therein named in *George Heale*, Gentleman, and for settling three certain Tracts of Land therein mentioned on the said *George Heale*, in Lieu of the said Slaves.
17. An Act to dock the Entail of eighteen Hundred Acres of Land in the Parish of *Albemarle*, in the County of *Suffex*, whereof *Nathaniel Harrison* the younger is seized in Fee Tails, and for vesting the same in Trustees in Fee Simple, for the Uses therein mentioned.
36. An Act for opening and clearing a Road through *Swift Run Gap*, over the Mountains, in *Augusta*.
38. An Act for making an equal Division of a Donation of one *Matthew Godfrey* between the several Parishes of the County of *Norfolk*, for the Benefit of their Poor.

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39. An Act for repealing an Act passed in the former Part of this present Session of Assembly intituled An Act for dividing the Parish of *Truro*, in the County of *Fairfax*, and for making a more equal Division of the said Parish.
40. An Act to vest certain Lands, whereof *Rice Jones* is seized in Fee Taille, in the Honourable *Richard Corbin*, Esquire, in Fee Simple, and for settling Slaves, to be annexed to other entailed Lands, in Lieu thereof.
41. An Act to dock the Entail of fifteen Hundred Acres of Land, whereof *Thomas Mann Randolph*, Gentleman, is seized, and for settling other Lands in Lieu thereof to the same Uses.
42. An Act to dock the Entail of certain Lands whereof *John Gregg* is seized, and for settling other Lands and Slaves, to be purchased in Lieu thereof, to the same Uses.
43. An Act to dock the Entail of certain Lands whereof *Harry Beverley*, Gentleman, is seized, and for settling Slaves to be purchased in Lieu thereof to the same Uses.
44. An Act to vest certain Lands therein mentioned in *James Hubard*, and settling other Lands and Slaves in Lieu thereof.
45. An Act to vest certain Lots in the City of *Williamsburg* in the Purchasers thereof, and for other Purposes therein mentioned.
48. An Act to dock the Entail of nineteen Hundred and seventy three Acres of Land in the Parish of *Martin's Brandon*, in the County of *Prince George*, whereof *Nathaniel Harrison* is seized in Fee Taille, and for vesting the same in Trustees, for the Uses therein mentioned.

Acts passed in the 7th Year of the Reign of George III. in the Year 1766, being the first Session.

14. An Act to empower the Vestry of the Parish of *Truro*, in the County of *Fairfax*, to sell their Glebe and Church Plate, and for other Purposes therein mentioned.
15. An Act for annexing certain Lands to the Glebe Land of *Lunenburg* Parish, in the County of *Richmond*, by Way of Donation.
16. An Act for dividing the County of *Halifax* and Parish of *Antrim*, and for other Purposes therein mentioned.
17. An Act for adding Part of the County of *James City* to the County of *New Kent*, and Part of the County of *New Kent* to the County of *James City*.
21. An Act to vest certain Lands therein mentioned, whereof *George Carter*, Esquire, died seized in Fee Simple, in certain Trustees therein named, to be sold, for Performance of his Will.
22. An Act to empower Trustees to sell and convey certain Lands, whereof *Charles Carter* the Elder is seized as Tenant in Fee Taille, and for other Purposes.
23. An Act to empower *Nathaniel Littleton Savage*, Gentleman, to sell and dispose of certain entailed Lands, and for settling other Lands and Slaves to the same Uses.
24. An Act to vest certain entailed Lands in *Nathaniel West Dandridge*, Esquire, in Fee Simple, and for settling Slaves in Lieu thereof.
25. An Act to dock the Entail of certain Lands, whereof *Robert Beverley*, Esquire, is seized, and for settling other Lands, of greater Value, to the same Uses.
26. An Act to vest certain entailed Lands in *Ralph Wormeley*, Esquire, in Fee Simple, and for settling other Lands in Lieu thereof.
35. An Act for opening a Road through the Frontiers of this Colony to *Fort Pitt*, on the *Ohio*.
37. An Act for establishing Fairs in the Town of *Mecklenburg*, in the County of *Frederick*.
39. An Act for exempting the Inhabitants of *Mecklenburg* County, and also the Minister and other Parishioners of *St. James's* Parish, in the said County, from the Payment of Ferriage on *Sundays*, Court Days, and on the Days appointed for General Musters.
44. An Act for building a Bridge over *Back River*, by Subscription.
45. An Act for altering the Court Days of the Counties of *Lancaster*, *Princess Anne*, and *Elizabeth City*.
46. An Act to prevent Hogs running at large in the Town of *Port Royal*.
50. An Act to vest certain Lands in Trustees, for the Purposes therein mentioned.

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51. An Act to empower the Administrators of the Estate of *John Robinson*, Esquire, deceased, to sell such Parts of his real or personal Estate as to them shall seem most convenient, for the Payment of his Debts.
53. An Act to dock the Entail of certain Lands whereof *Lewellin Jones* is seized, and for settling other Lands and Slaves in Lieu thereof.
54. An Act to dock the Entail of certain Lands, whereof *Kendall Lee* is seized, and for settling other Lands and Slaves to the same Uses.
55. An Act to dock the Entail of certain Lands, whereof *Harry Beverley*, Gentleman, is seized, and for settling Slaves to be purchased in Lieu thereof.
56. An Act to dock the Entail of six Hundred and twenty three Acres of Land in the Parish of *St. Martin*, and County of *Hanover*, whereof *John Aylett* is seized in Fee Taille, and for vesting the same in Trustees in Fee Simple, for the Uses therein mentioned.
57. An Act to vest certain Lands, whereof *Thomas Moore* is seized in Fee Taille, in Trustees, to be sold, and the Money laid out in the Purchase of other Lands and Slaves.
58. An Act to empower *George Parker* to pay a certain Sum of Money, in Lieu of an Annuity charged on certain Slaves whereof he is possessed.
59. An Act to dock the Entail of certain Lands, whereof *William Starke* is seized in Fee Taille, and for settling other Lands to the same Uses.
60. An Act to dock the Entail of eight Hundred Acres of Land in the County of *Amelia*, whereof *Anne Hall*, Wife of *John Hall*, is seized in Fee Taille, and for vesting the same in Trustees in Fee Simple, and for other Purposes therein mentioned.

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4. An Act for altering the Court Day of the County of *Goocbland*.
6. An Act to dock the Entail of certain Lands, whereof *James Roscow* is seized, and for settling Slaves to be purchased in Lieu thereof.



T H E
T A B L E
O F A L L T H E
P R I N C I P A L M A T T E R S contained in the
p r e c e d i n g V O L U M E.

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- Person, upon any Contract, taking by corrupt Bargain, &c. more than 5l for the forbearing of 100l. for a Year, to forfeit double the Value of the Monies, &c. lent, &c. 256

Bonds, Contracts, &c. before 10th November 1734, for more than six *per Cent.* Interest; and afterwards for more than five *per Cent.* void, as to all Interest over and above those Rates respectively.

Borrower, by Bill in Equity, may compel the Lender to discover, on Oath, the Money actually lent, and the Contract for Payment of Interest; in which Case the latter, if the Interest appears to be unlawful, shall be discharged from Penalties, but shall accept Principal without any Interest.

Broker, Solicitor, &c. negotiating Contracts of Loan, taking more than 5*l.* for the forbearing of 100*l.* for a Year, or more than 1*s.* for renewing the Bond, or for a counter Bond concerning the same, shall forfeit 20*l.*

W A R E H O U S E S (see HEMP. STOREHOUSES. TOBACCO).

W A T E R M I L L S (see MILLS)

W E I G H T S and M E A S U R E S.

To be according to the Standard of the Exchequer in *England.*

Persons keeping, or dealing by, any other Weights or Measures, liable to Penalty.

Justices of the Peace to provide Weights and Measures, at the Charge of their Counties. under Penalty.

Weights and Measures to be kept by such Persons as the County Courts shall appoint, by which all Persons Weights and Measures shall be tried.

— found to agree with the Standard, to be sealed by the Keeper thereof with a Seal to be provided by the Justices.

Fees for trying them.

Persons may deal by tried Steelyards agreeing with the Standard, where both Parties consent thereto.

Owners or Occupiers of Mills to keep sealed Measures therein.

Weights to be kept at Tobacco Warehouses.

— at Warehouses for Reception of Hemp and Flax.

W E I R S (see RIVERS)

W H I P P I N G P O S T S (see PRISONS)

W I D O W (see DISTRIBUTION. DOWER. SLAVES. WILLS)

W I L L I A M S B U R G (see BURGESSES. CORPORATIONS. COURTS. MILITIA)

W I L L S.

The Husband leaving only two Children, shall not have Power, by Will, to dispose of more than two Thirds of his Estate from his Wife.

If more than two Children, not to give her less than a Child's Part.

If no Children, not less than a Moiety.

Wills, in what Courts to be proved.

— exhibited to be proved, to the General or County Court, such Court immediately to receive the Proof, &c.

Heirs at Law to be summoned to contest the Validity of Wills devising Lands from them.

— not being known to the Court, in what Manner Proclamation to be made, and Notice published.

Infant, *Feme Covert*, *non compos mentis*, or Person imprisoned, or out of the Country, concerned in Interest, may contest Probat of Wills within ten Years after Disabilities, &c. removed.

Devises of Lands how to be made.

— how to be revoked.

Nuncupative Will bequeathing more than ten Pounds Value, in what Manner, and within what Time, to be established.

— not to be proved without summoning Widow, or next of Kin to the Decedent.

— Will in Writing concerning Goods and personal Estate not to be repealed, &c. by Words, unless committed to Writing in Testator's Lifetime, and read to and allowed by him, and proved to be so done by two Witnesses.

Soldiers in actual Service, and Mariners at Sea, may dispose of their personal Estates as before.

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